

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
AT PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 297 OF 2026

IN THE MATTER OF:

Ashok Kumar Sharma

... Applicant

-Versus-

Central Pollution Control Board & Ors.

... Respondents



INDEX

Sl. No.	Particulars	Pages
1.	Reply on behalf of Respondent No. 4 (HPCL).	1 - 24
2.	<u>Annexure R-4/1:</u> Copy of the Power of Attorney dt. 25.04.2025.	25 - 28
3.	<u>Annexure R-4/2:</u> Copy of the judgment dt. 21.07.2025 passed in O. A. No.408/2023 - Harvinder Singh v. State of Haryana & Ors.	29 - 87
4.	<u>Annexure R-4/3:</u> Copy of the order dt. 08.07.2020 passed in O.A. No. 101 of 2020 - Kuruvila Abraham v. The Kerala State Pollution Control Board & Ors.	88 - 96
5.	<u>Annexure R-4/4:</u> Copy of the Application form dt. 17.10.2023.	97 - 99
6.	<u>Annexure R-4/5:</u> Copy of the Letter of Intent dt. 15.01.2024.	100 - 104
7.	<u>Annexure R-4/6:</u> Copy of the NOC dt. 15.03.2024 issued by Himachal Pradesh State Pollution Control Board.	105 - 107
		Contd.2/.

: 2 :		
8.	<u>Annexure R-4/7:</u> Copy of the letter dt. 19.06.2024 issued by the Applicant.	108 - 129
9.	<u>Annexure R-4/8:</u> Copy of the letter/ communication dt. 03.07.2024.	130
10.	<u>Annexure R-4/9:</u> Copy of the letter/ communication dt. 09.09.2024 issued by Dy. Chief Controller of Explosives, Chandigarh.	131 - 132
11.	<u>Annexure R-4/10:</u> Copy of the NOC dt. 20.12.2024 issued by the District Magistrate, Chamba.	133
12.	<u>Annexure R-4/11:</u> Copy of the approval dt. 16.12.2024 by the Executive Engineer Regional Office, Shimla of Ministry of Road Transport and Highways (MoRTH).	134 - 137
13.	<u>Annexure R-4/12:</u> Copy of the letter/ communication dt. 24.12.2024 issued by Dy. Chief Controller of Explosives, Chandigarh.	138 - 139
14.	<u>Annexure R-4/13:</u> Copy of the communication dt. 30.12.2024 issued by the Himachal Pradesh, Public Works Department.	140
15.	<u>Annexure R-4/14:</u> Copy of the letter/ communication dt. 05.02.2025 issued by Dy. Chief Controller of Explosives, Chandigarh.	141 - 143
16.	<u>Annexure R-4/15:</u> Copy of the letter/ communication dt. 27.02.2025 issued by Respondent No.4/HPCL.	144
17.	<u>Annexure R-4/16:</u> Copy of the letter/ communication dt. 05.03.2025 issued by Dy. Chief Controller of Explosives, Chandigarh.	145
18.	<u>Annexure R-4/17:</u> Copy of the letter/ communication dt. 06.03.2025 issued by the Himachal Pradesh Jal Shakti Vibhag.	146

Contd.3/.

	: 3 :	
19.	<u>Annexure R-4/18:</u> Copy of the letter/ communication dt.22.03.2025 issued by the Himachal Pradesh State Pollution Control Board.	147
20.	<u>Annexure R-4/19:</u> Copy of the communication/letter dt. 09.04.2025 issued by the Office of the Sub-Division Officer, Dalhousie.	148 - 152
21.	<u>Annexure R-4/20:</u> Copy of the letter/communication dt. 24.04.2025 issued by the Himachal Pradesh State Pollution Control Board.	153
22.	<u>Annexure R-4/21:</u> Copy of the letter/ communication dt. 09.05.2025 issued by Respondent No.4/HPCL to the Dy. Chief Controller of Explosives, Chandigarh.	154
23.	<u>Annexure R-4/22:</u> Copy of the letter/ communication dt. 22.05.2025 issued by Dy. Chief Controller of Explosives, Chandigarh.	155
24.	<u>Annexure R-4/23:</u> Copy of the letter/ communication dt.26.06.2025 issued by the Respondent No.4/HPCL.	156
25.	Vakalatnama	157
26.	Proof of service	158

FILED BY:



P. SINHA and DIVYAM DHYANI
 ADVOCATE for Respondent No. 4
 Lawyers' Chamber No.5
 Supreme Court of India
 Tilak Marg, New Delhi-110001
 Email:Associatelawyers@gmail.com
 Mobile:8920425939, 9810055169

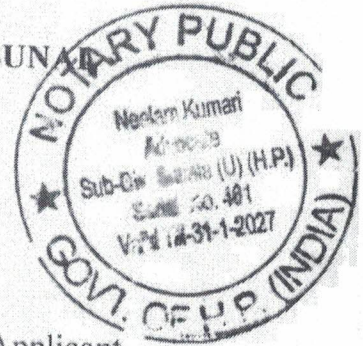
Dated: 25.06.2026

1

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 297 OF 2026



IN THE MATTER OF:

Ashok Kumar Sharma

... Applicant

-Versus-

Central Pollution Control Board & Ors.

... Respondents

REPLY ON BEHALF OF RESPONDENT NO. 4 / HINDUSTAN
PETROLEUM CORPORATION LIMITED (HPCL)

MOST RESPECTFULLY SHOWETH:

I, Padmesh Shukla, Chief Regional Manager - Retail, Shimla Retail Regional Office of Hindustan Petroleum Corporation Limited (hereinafter referred to as HPCL), having my office address at 3rd Floor, Hameer House, Lower Chakkar, Shimla HP-171005, do hereby solemnly affirm and state as follows:-

1. That I am working as Chief Regional Manager with the Respondent No. 4/ HPCL. As such, I am aware of the facts and circumstances of the case and am competent to depose thereon. I have been appointed as the Constituted Attorney for the Respondent No.4/ HPCL vide Power of Attorney dt. 25.04.2025, to institute, prosecute and defend all legal proceedings in Courts of Law as also to sign, verify and present documents connected therewith.

I have perused the Original Application (being O.A. No. 297 of 2026) filed by the Applicant - Ashok Kumar Sharma under Sections 14 and 15 of the National Green Tribunal Act, 2010 (hereinafter referred to as the said Act of


Attested
Advocate Neelam Kumari
Notary Public
Sub.-Div. Shimla (U) (H.P.)

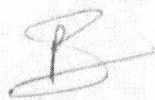

पद्मेश शुक्ला
जन्मदिनांक २५/०४/१९८० एवं मुख्य क्षेत्रीय प्रबन्धक
एच पी सी एल, शिमला, हि.प्र. शिमला क्षेत्रीय कार्यालय
हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड
Padmesh Shukla
Constituted Attorney & Chief Representative of Respondent No. 4

site was liable to be rejected, the Respondent No.4/ HPCL vide its reply dt. 03.07.2024 categorically stated that the land offered by the project proponent for the subject location met all the requirements as per advertisements and the selection process; that the setting up of the petrol pump is strictly in accordance with the guidelines stated in the "Brochure for Selection of Dealers for Regular and Rural Retail Outlets 2023" and that the outlet will be commissioned only after required statutory approvals from the concerned district authorities.

It is further submitted that vide letter/ communication dt. 22.03.2025, the Himachal Pradesh Pollution Control Board (HP PCB) stated inter-alia that additionally, HP PCB had recently received another distance certificate report from the Village Revenue officer, which had again been verified by the Tehsildar, Dalhousie on 03.03.2025 which mentions the presence of a nallah (nalli) near the retail outlet as per the revenue records and as per report this nallah is currently dry, with water observed only during the rainy season and the same has been verified by Jal Shakti Vibhag Sub Division Banikhet vide their office letter dt. 06.03.2025 and that as HP PCB had requested clarification from the SDM Dalhousie-cum-Chairman of the committee regarding the distance of the nallah from the petrol pump in addition to the clarification being sought from the HP PCB head office on whether an NOC can be issued for a petrol pump if a non-perennial water source is within 50 meters, as the CPCB guidelines do not mention non-perennial sources, it was requested that the earlier NOC issued by the HP PCB not be considered until a response is received from the Head Office, Shimla and the SDM Dalhousie.

That in response to the aforesaid queries the Office of the Sub-Division Officer, Dalhousie vide its letter dt. 09.04.2025 stated inter-alia that in



 Advocate Naelam Kuman
 Notary Public
 Sub.-Div. Shimla (U) (H.)




 पद्मश सुक्ला
 विनियुक्त अधीनस्थ एवं राज्य क्षेत्रीय प्रबंधक
 एवं वी सी एम. इन्फ्रा. डी. ए. रिटल क्षेत्रीय कार्यालय
 हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड
 Padmash Shukla
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

5

reference to the letter dt. 22.03.2025 by HP PCB and in connection with the NOC for the establishment of a retail outlet at the mentioned location, it was confirmed by the report that no water bodies, including rivers, lakes or irrigation sources were located within 50 meters of the proposed site, ensuring compliance with environmental regulations; that the Village Revenue Officer's report also affirms that there are no hospitals, schools or residential areas within 50 meters of the retail outlet site, in alignment with the previously issued MPC, confirming that the site meets the stipulated criteria; that according to the communication received from the Himachal Pradesh Jal Shakti Vibhag dt. 06.03.2025, it had been confirmed that the retail outlet's location is free from any gravity main pipelines, distribution networks or departmental assets; that the report also mentions a small, non-perennial nallah near the outlet, which remains dry except during rainfall; that based on the above confirmations and the authenticity of the reports received, the site complies with the requirements laid out by the CPCB guidelines and that as per the NOC dt. 15.03.2024 there is no objection to the establishment of the MS/HSD Retail Outlet at the said site.

Moreover, vide letter/ communication dt. 24.04.2025, the HP PCB stated inter-alia that in reference to the letter dt. 27.02.2025 issued by the Respondent No.4/HPCL in respect of grant of NOC for the RO, whereby the HP PCB had sought clarification regarding the existing nallah near the said petrol pump; the SDM Dalhousie vide its letter dt. 09.04.2025 which also included the latest village Revenue Officer report dt. 04.04.2025 mentioned that as per the revenue records, there is no lakes, pond, streams, rivers, canals, wetlands and creeks within 50 meters of the retail outlet.



 Advocated
 Advocate Maelam Kumar
 Sub-Div. ...

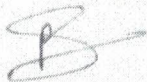



 पतेश शुक्ला
 सिविल इंजीनियरिंग एवं पेट्रोल डी.डी. विभाग, दिल्ली क्षेत्रीय कार्यालय
 सिविल इंजीनियरिंग एवं पेट्रोल डी.डी. विभाग, दिल्ली क्षेत्रीय कार्यालय
 Padmesh Shukla
 Constituted Advisor & Chief Regional Manager
 HPC, Shimla, H.P.

4. Confirmation of no water bodies within 50 meters.

That vide response dt. 15.03.2024, the HP PCB stated inter alia that pursuant to the said letter dt. 28.02.2024 issued by Respondent No.4/HPCL, the said Site was inspected by Jr. Environmental Engineer on 07.03.2024 and it had been found that there is no hospital, school and no residential area within 50 meters from the proposed Petrol Pump; that further the report of the Village revenue officer dt. 14.03.2024 had been supplied to the HP PCB office and as per the aforesaid report there is no Hospital, School, Residential area and Water body within 50 meters from the proposed Petrol Pump and that as per the site inspection of the Board Official and report of the Village Revenue Officer, the State Pollution Control Board has no objection for the establishment of MS/HSD Retail Outlet at the said Site subject to the conditions set out therein.

Moreover, the Office of the Sub-Division Officer, Dalhousie vide its letter dt. 09.04.2025 stated inter-alia that in reference to the letter dt. 22.03.2025 by the HP PCB and in connection with the NOC for the establishment of a retail outlet at the mentioned location, it was confirmed by the report that no water bodies, including rivers, lakes or irrigation sources were located within 50 meters of the proposed site, ensuring compliance with environmental regulations ; that the Village Revenue Officer's report also affirms that there are no hospitals, schools or residential areas within 50 meters of the retail outlet site, in alignment with the previously issued MPC, confirming that the site meets the stipulated criteria; that according to the communication received from the Himachal Pradesh Jal Shakti Vibhag dt. 06.03.2025, it had been confirmed that the retail outlet's location is free from any gravity main pipelines, distribution networks or departmental assets; that the report also


Attasted
 Advocate Neelam Kumari
 Sub-Div. Shimla (U) (H.)



 पंजीकृत एडवोकेट एवं मुख्य क्षेत्रीय प्रमुख
 एच पी सी एल हिमाल प्रदेश प्रदूषण नियंत्रण बोर्ड
 हिमाल प्रदेश प्रदूषण नियंत्रण बोर्ड
 Padmesh Shukla
 Lead Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

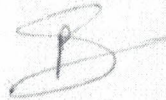

mentions a small, non-perennial nallah near the outlet, which remains dry except during rainfall; that based on the above confirmations and the authenticity of the reports received, the site complies with the requirements laid out by the CPCB guidelines and that as per the NOC dt. 15.03.2024 there is no objection to the establishment of the MS/HSD Retail Outlet at the said site.

Additionally, vide letter/ communication dt. 24.04.2025, the HP PCB further stated inter-alia that in reference to the letter dt. 27.02.2025 issued by the Respondent No.4/HPCL in respect of grant of NOC for the RO, whereby the HP PCB had sought clarification regarding the existing nallah near the said petrol pump; the SDM Dalhousie vide its letter dt. 09.04.2025 which also included the latest village Revenue Officer report dt. 04.04.2025 mentioned that as per the revenue records, there is no lakes, pond, streams, rivers, canals, wetlands and creeks within 50 meters of the retail outlet.


4. Without prejudice to the aforesaid and before dealing with the contents of the abovementioned Application, the Respondent No.4/HPCL craves leave of this Hon'ble Court to state the facts and circumstances of the case in the correct perspective because the same have not been correctly stated in the abovementioned Application and there is suppression of material facts therefrom. The facts and circumstances of the case are stated hereunder in the correct perspective:


28.06.2023 -- On this date, the Respondent No.4/ HPCL published an advertisement for setting up of Retail Outlets (ROs) at various locations in the state of Himachal Pradesh.

Attested
Advocate Naelam Kuman
Notary Public
Sub.-Div. Shimla (U) (H.,



 भारतीय पेट्रोल
 विभिन्न राज्यों एवं राज्य क्षेत्रों में
 एच पी सी एल लिमिटेड, १२ दिल्ली क्षेत्रीय कार्यालय
 सिविलियन इंजीनियरिंग कॉलेज रोड
 Padmesh Shukla
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

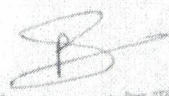
- 19.06.2024 -- On this date, the Applicant sent a communication/letter to Respondent No.4/ HPCL alleging inter-alia that in the present case, a Nalla is touching the proposed site and as per guidelines dt. 16.08.2021 of the Central Pollution Control Board (CPCB) and hence the NOC granted was liable to be rejected. Copy of the said letter dt. 19.06.2024 is annexed as Annexure R-4/7.
- 03.07.2024 -- Vide letter/ communication of this date, the Respondent No.4/ HPCL informed the Applicant inter-alia that the land offered by the applicant for the subject locations met all the requirements as per advertisements and the selection process; that the setting up of the petrol pump is strictly in accordance with the guidelines stated in the "Brochure for Selection of Dealers for Regular and Rural Retail Outlets 2023" and that the outlet will be commissioned only after required statutory approvals from the concerned district authorities. Copy of the said letter/ communication dt. 03.07.2024 is annexed as Annexure R-4/8.
- 09.09.2024 -- On this date, the Dy. Chief Controller of Explosives, Chandigarh on behalf of the Petroleum and Explosives Safety Organisation (PESO) issued a letter/ communication stating inter-alia that in view of the grievance submitted by the Applicant, the Respondent No.4/HPCL was advised to submit its comments within 21 days from the date of issued of the said letter. Copy of the said letter/ communication dt. 09.09.2024 is annexed as Annexure R-4/9.


Attested
 Advocate Neelam Kumari
 Notary Public
 Sub.-Div. Shimla (U) (H.,


 पद्मेश शुक्ला
 पद्मेश शुक्ला एन एच सी प्रमुख क्षेत्रीय प्रबंधक
 एन एच सी प्रमुख, हिमाचल प्रदेश क्षेत्रीय कार्यालय,
 हिमाचल प्रदेश, हिमाचल प्रदेश
 Padmesh Shukla
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

- 20.12.2024 -- On this date, the District Magistrate, Chamba issued a No Objection Certificate stating inter-alia that on the basis of the joint inspection report received from the Sub-Division Magistrate Dalhousie District Chamba (HP), which had been conducted with the members of the departments of the Forest, HPPWD, HPSEBL, Jalshakti and NOC issued by other concerned departments i.e. Police, ST &E, AE Pollution, DFSC, Fire etc. and that his office had "No Objection" for installation of New Retail Outlet at Khasra No.447/63/1 at Vill. Ghural, Tehsil Dalhousie District Chamba HP of Hindustan Petroleum Corporation Limited over the land bearing in Khata, Khatuni No. 3/3 area measuring 02-10-00 Bigha as per Nakai Jamabandi Year 2020-2021 recorded in possession of Sh. Manoj Kumar S/o Sh. Munshi r/o VPO & Tehsil Holi District Chamba HP as lease having lease holding rights over the land for a lease period of 21 years commencing from 11.10.2023 ending on 10.10.2044 on the basis of lease deed No. 411/2023 dt. 11.10.2023. Copy of the NOC dt. 20.12.2024 is annexed as **Annexure R-4/10**.
- 16.12.2024 -- On this date, the Executive Engineer Regional Office, Shimla of Ministry of Road Transport and Highways (MoRTH) granted in principal approval for the proposed RO subject to the conditions stipulated thereunder. Copy of the said approval dt. 16.12.2024 is annexed as **Annexure R-4/11**.
- 24.12.2024 -- Vide letter/ communication of this date, the Dy. Chief Controller of Explosives, Chandigarh stated inter-alia that the complainant therein had again forwarded his complaint to their office vide

Attested
 Advocate Neelam Kumari
 Notary Public
 Sub.-Div. Shimla (U) (H.)


 पद्मेश चहल
 हिन्दुस्तान पेट्रोलियम लिमिटेड का क्षेत्रीय प्रबन्धक
 एन.पी.सी.एच. सिमला, हि.प्र. विभाग अर्धीय कार्यालय
 हिन्दुस्तान पेट्रोलियम लिमिटेड
 Padmesh Chahal
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

email dt. 18.12.2024 and that the Respondent No.4/HPCL was once again advised to offer its comments within 21 days from the date of the letter to their office. Copy of the said letter/communication dt. 24.12.2024 is annexed as **Annexure R-4/12**.

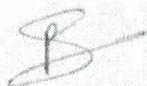
30.12.2024 -- Vide letter/ communication of this date, the Himachal Pradesh, Public Works Department forwarded the in-principal approval received through the Executive Engineer CE-RO MoRTH Shimla dt. 16.12.2024. Copy of the said communication is annexed as **Annexure R-4/13**.

05.02.2025 -- Vide letter/communication of this date, the Dy. Chief Controller of Explosives, Chandigarh stated inter-alia that a complaint dt. 23.01.2025 from the Applicant had been received by his office which was being forwarded to the Respondent No.4/HPCL and that the Respondent No.4/HPCL was once again advised to offer its comments within 21 days from the date of the letter to their office. Copy of the said letter/communication is annexed as **Annexure R-4/14**.

27.02.2025 -- Vide letter/ communication of this date, the Respondent No.4/HPCL stated inter-alia that in light of the complaint received against the site selected for the proposed RO, the Assistant Environmental Engineer, H.P. Pollution Control Board was requested to issue a modified NOC incorporating the following aspects:

1. Confirmation of no hospital within 50 meters;
2. Confirmation of no school within 50 meters;

Attested
Advocate Neelam Kumari
Notary Public
Sub. Div. Shimla (H.A.)


Pedmesh Shukla
Constituted Attorney & Chief Regional Manager
HPCL, Shimla, H.P.

3. Confirmation of no residential area within 50 meters;


4. Confirmation of no water bodies within 50 meters.


Copy of the said letter/ communication dt. 27.02.2025 is annexed as Annexure R-4/15.

05.03.2025 -- Vide letter/communication of this date, the Dy. Chief Controller of Explosives, Chandigarh stated inter-alia that a complaint dt. 27.02.2025 from the Applicant had been received by his office which was being forwarded to the Respondent No.4/HPCL and that the Respondent No.4/HPCL was once again advised to offer its comments within 21 days from the date of the letter to their office. Copy of the said letter/communication is annexed as Annexure R-4/16.

06.03.2025 -- Vide letter/ communication of this date, the Himachal Pradesh Jal Shakti Vibhag stated inter alia that in reference to the office letter dt. 06.03.2025 issued by the HP PCB, a small non-perennial nallah is present near the Retail Outlet which flows only during rainfall and that currently the nallah was reported to be dry. Copy of the said letter/ communication dt. 06.03.2025 is annexed as Annexure R-4/17.

22.03.2025 -- Vide letter/ communication of this date, the HP PCB stated inter-alia that in context of the letter dt. 27.02.2025 issued by HPCL, it was informed that the HP PCB had already issued NOC vide letter dt. 15.03.2024; that the NOC was granted on the basis of


 Advocate Neelam Kaur
 Ministry Public
 100, G. S. Road (I) (H)

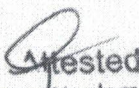

 पद्मेश शुक्ला
 अधिवक्ता एवं मुख्य क्षेत्रीय प्रबन्धक
 एवं पब्लिक प्रोसेसिंग, डिप्ट. रिजल्ट क्षेत्रीय कार्यालय
 हिमचल प्रदेश सरकार, शिमला
 Padmesh Shukla
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

the distance certificate provided by the Village Revenue Officer (Patwari) on 12.03.2024, which was cross-verified by Tehsildar Dalhousie wherein the certificate clearly stated that there is no hospital, school, residential area or water body within 50 meters of the RO and there was no mention about the existing dry nallah near the petrol pump (as per revenue records).


That additionally, HP PCB had recently received another distance certificate report from the Village Revenue officer, which had again been verified by the Tehsildar, Dalhousie on 03.03.2025 which mentions the presence of a nallah (nalli) near the retail outlet as per the revenue records and as per report this nallah is currently dry, with water observed only during the rainy season and the same has been verified by Jal Shakti Vibhag Sub Division Banikhet vide their office letter dt. 06.03.2025 and that as HP PCB had requested clarification from the SDM Dalhousie-cum-Chairman of the committee regarding the distance of the nallah from the petrol pump in addition to the clarification being sought from the HP PCB head office on whether an NOC can be issued for a petrol pump if a non-perennial water source is within 50 meters, as the CPCB guidelines do not mention non-perennial sources, it was requested that the earlier NOC issued by the HP PCB not be considered until a response is received from the Head Office, Shimla and the SDM Dalhousie. Copy of the said letter/communication dt.22.03.2025 is annexed as **Annexure R-4/18**.

09.04.2025 --

Vide letter/ communication of this date addressed to the Regional Officer, HP PCB, the Office of the Sub-Division Officer,


 Attested
 Advocate Neelam Kuman
 Notary Public
 Sub.-Div. Shimla (U) (H..)

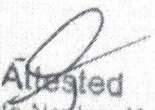




 पद्मेश शुक्ला
 वित्तियुक्त एटीसी-एन मुख्य क्षेत्रीय प्रबन्धक
 एन पी सी एल, शिमला, हि.प्र., विदेश क्षेत्रीय कार्यालय
 हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड
 Padmesh Shukla
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

Dalhousie stated inter-alia that in reference to the letter dt.22.03.2025 and in connection with the NOC for the establishment of a retail outlet at the mentioned location, it was confirmed by the report that no water bodies, including rivers, lakes or irrigation sources were located within 50 meters of the proposed site, ensuring compliance with environmental regulations ; that the Village Revenue Officer's report also affirms that there are no hospitals, schools or residential areas within 50 meters of the retail outlet site, in alignment with the previously issued MPC, confirming that the site meets the stipulated criteria; that according to the communication received from the Himachal Pradesh Jal Shakti Vibhag dt. 06.03.2025, it had been confirmed that the retail outlet's location is free from any gravity main pipelines, distribution networks or departmental assets; that the report also mentions a small, non-perennial nallah near the outlet, which remains dry except during rainfall; that based on the above confirmations and the authenticity of the reports received, the site complies with the requirements laid out by the CPCB guidelines and that as per the NOC dt. 15.03.2024 there is no objection to the establishment of the MS/HSD Retail Outlet at the said site. Copy of the said communication/letter dt. 09.04.2025 is annexed as Annexure R-4/19.

24.04.2025 --


Vide letter/ communication of this date, the HP PCB stated inter-alia that in reference to the letter dt. 27.02.2025 issued by the Respondent No.4/HPCL in respect of grant of NOC for the RO,




 Advocates Neelam Kuman
 Notary Public
 Sub-Div. Shimla (C.T.)


 Padmash Shukla
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

whereby the HP PCB had sought clarification regarding the existing nallah near the said petrol pump; the SDM Dalhousie vide its letter dt. 09.04.2025 which also included the latest village Revenue Officer report dt. 04.04.2025 mentioned that as per the revenue records, there is no lakes, pond, streams, rivers, canals, wetlands and creeks within 50 meters of the retail outlet. Copy of the said letter/communication dt. 24.04.2025 is annexed as **Annexure R-4/20.**

09.05.2025 -- Vide letter/ communication of this date, the Respondent No.4/ HPCL, in reply to letter dt. 05.03.2025 from the Dy. Chief Controller of Explosives, Chandigarh, stated inter-alia that the Applicant had claimed that there is a water stream adjoining to the offered plot for the proposed Retail Outlet; that in view of the above, the Respondent No.4/ HPCL had written a letter dt. 27.02.2025 to the Assistant Environmental Engineer, HP Pollution, Chamba for clarification on the subject; that the Respondent No.4/ HPCL received a reply dt. 24.04.2025 which mentioned that "As per revenue records there is no lakes, ponds, streams, rivers, canals, wetlands and creeks within 50 meters of the proposed retail outlet" and that along with the said letter a report of the SDO cum- Chairmen of Committee Dalhousie was also attached in which it is clearly mentioned that "Site complies with the requirements laid out by the Central Pollution Control Board (CPCB)". Copy of the said letter/ communication dt. 09.05.2025 is annexed as **Annexure R-4/21.**


Advocate Neelam Kumar
Notary Public
S.No. Div. Shimla (13) (1)



पद्मेश शुक्ला
निदेशक एवम् एन सी एन विभाग
एन सी एन विभाग, हिमाचल प्रदेश शाखा
हिमाचल प्रदेश शाखा
Padmlesh Shukla
Constituted Attorney & Chief Regional Manager
HPCL, Shimla, H.P.


22.05.2025 -- Vide letter/communication of this date, the Dy. Chief Controller of Explosives, Chandigarh once again advised Respondent No.4/ HPCL to offer its comments within 21 days from the date of the letter to their office. Copy of the said letter/communication is annexed as Annexure R-4/22.



26.06.2025 -- Vide letter/communication of this date, the Respondent No.4/HPCL stated inter-alia that it had submitted its comments in respect of the subject matter vide letter dt. 09.05.2025 and that the reply was produced as attachment. Copy of the said letter/communication is annexed as Annexure R-4/23.

PARAWISE REPLY:

1. The contents of para 1 do not warrant a reply as they are a matter of fact.
2. The contents of para 2 are wrong and hence vehemently denied. It is specifically denied that any construction of the Retail Outlet at Khasra No. 447/63/1, Khata Khatouni No.3/3 min, Mohal Ghural, Patwar Circle Bathri, Tehsil Dalhousie, District Chamba (HP) is in gross violation of the well-established guidelines of the CPCB. It is pertinent to mention that the CPCB Guidelines dated 07.01.2020 have been fully complied with in the present case which is evident from the NOCs issued by the relevant authorities. Moreover, pursuant to the complaint received by the Respondent No.4/HPCL against the proposed RO, the HP PCB was requested vide letter dt. 27.02.2025 to issue a modified NOC incorporating the following aspects:

1. Confirmation of no hospital within 50 meters;



Attested
 Advocate Neelam Kuman
 Notary Public
 Sub.-Div. Shimla (U) (H..)

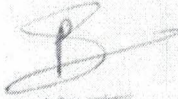


 पद्मेश शर्मा
 विनियुक्त एवम् एच.पी.सी.सी. के अधीन कार्यरत
 एच.पी.सी.सी. के अधीन कार्यरत
 विनियुक्त एवम् एच.पी.सी.सी. के अधीन कार्यरत
 Padmesh Sharma
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

2. Confirmation of no school within 50 meters;
3. Confirmation of no residential area within 50 meters;
4. Confirmation of no water bodies within 50 meters.

That vide response dt. 15.03.2024, the HP PCB State Pollution Control Board (HP SPCB) stated inter alia that pursuant to the said letter dt. 28.02.2024 issued by Respondent No.4/HPCL, the said Site was inspected by Jr. Environmental Engineer on 07.03.2024 and it had been found that there is no hospital, school and no residential area within 50 meters from the proposed Petrol Pump; that further the report of the Village revenue officer dt. 14.03.2024 had been supplied to the HP PCB office and as per the aforesaid report there is no Hospital, School, Residential area and Water body within 50 meters from the proposed Petrol Pump and that as per the site inspection of the Board Official and report of the Village Revenue Officer, the State Pollution Control Board has no objection for the establishment of MS/HSD Retail Outlet at the said Site subject to the conditions set out therein.

It is pertinent to mention that upon the Applicant alleging his vide letter/ communication dt. 19.06.2024 that a Nalla is touching the proposed site and as per the CPCB guidelines dt. 16.08.2021 and hence the NOC granted for the said site was liable to be rejected, the Respondent No.4/ HPCL vide its reply dt. 03.07.2024 categorically stated that that the land offered by the project proponent for the subject locations met all the requirements as per advertisements and the selection process; that the setting up of the petrol pump is strictly in accordance with the guidelines stated in the "Brochure for Selection of Dealers for Regular and Rural Retail Outlets 2023" and that the



 Advocate Neelam Kumari
 Notary Public
 Sub-Div. ...


 Padmesh Shukla
 and Attorney & Chief Regional Manager
 HPCL, State, H.P.

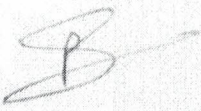
outlet will be commissioned only after required statutory approvals from the concerned district authorities.

It is further submitted that vide letter/ communication dt. 22.03.2025, the HP PCB stated inter-alia that additionally, HP PCB had recently received another distance certificate report from the Village Revenue officer, which had again been verified by the Tehsildar, Dalhousie on 03.03.2025 which mentions the presence of a nallah (nalli) near the retail outlet as per the revenue records and as per report this nallah is currently dry, with water observed only during the rainy season and the same has been verified by Jal Shakti Vibhag Sub Division Banikhet vide their office letter dt. 06.03.2025 and that as HP PCB had requested clarification from the SDM Dalhousie-cum-Chairman of the committee regarding the distance of the nallah from the petrol pump in addition to the clarification being sought from the HP PCB head office on whether an NOC can be issued for a petrol pump if a non-perennial water source is within 50 meters, as the CPCB guidelines do not mention non-perennial sources, it was requested that the earlier NOC issued by the HP PCB not be considered until a response is received from the Head Office, Shimla and the SDM Dalhousie.

That in response to the aforesaid queries the Office of the Sub-Division Officer, Dalhousie vide its letter dt. 09.04.2025 stated inter-alia that in reference to the letter dt. 22.03.2025 and in connection with the NOC for the establishment of a retail outlet at the mentioned location, it was confirmed by the report that no water bodies, including rivers, lakes or irrigation sources were located within 50 meters of the proposed site, ensuring compliance with environmental regulations ; that the Village Revenue Officer's report also affirms that there are no hospitals, schools or residential areas within 50


 Attested
 Advocate Nadlam Kuman
 14..





 पद्मेश शिवकिया
 विनियुक्त अधीन एवं राज्य सेवा प्रदाता
 एन पी सी एन, शिमला, हि.प्र. वि.पी.डी.ए.ए.ए.ए.
 विद्युत्वायु प्रदूषण नियंत्रण बोर्ड
 Padmesh Sivakia
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.



meters of the retail outlet site, in alignment with the previously issued MPC, confirming that the site meets the stipulated criteria; that according to the communication received from the Himachal Pradesh Jal Shakti Vibhag dt. 06.03.2025, it had been confirmed that the retail outlet's location is free from any gravity main pipelines, distribution networks or departmental assets; that the report also mentions a small, non-perennial nallah near the outlet, which remains dry except during rainfall; that based on the above confirmations and the authenticity of the reports received, the site complies with the requirements laid out by the CPCB guidelines and that as per the NOC dt. 15.03.2024 there is no objection to the establishment of the MS/HSD Retail Outlet at the said site.

Moreover, vide letter/ communication dt. 24.04.2025, the HP PCB stated inter-alia that in reference to the letter dt. 27.02.2025 issued by the Respondent No.4/HPCL in respect of grant of NOC for the RO, whereby the HP PCB had sought clarification regarding the existing nallah near the said petrol pump; the SDM Dalhousie vide its letter dt. 09.04.2025 which also included the latest village Revenue Officer report dt. 04.04.2025 mentioned that as per the revenue records, there is no lakes, pond, streams, rivers, canals, wetlands and creeks within 50 meters of the retail outlet.

Hence, the Applicant's averment with regard to the said RO being in gross violation of the guidelines established by the CPCB is without an iota of truth and completely devoid of merit.

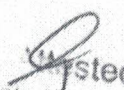
3-7. In reply to the contents of Paras-3 to 7 of the Application, it is submitted that the averments pertaining to issuance of advertisement by Hindustan Petroleum Corporation Limited, provisional selection of Respondent No. 12




 Attested
 Advocate Neelam Kumar
 Notary Public
 Sub.-Div. Shimla (U) (H..)


 पद्मेश शुक्ला
 विनियुक्त एवम् मुख्य क्षेत्रीय प्रबंधक
 एवं एच सी डल शिमला, हि.प्र. रिटल क्षेत्रीय कार्यालय
 हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड
 Padmesh Shukla
 Notated Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

the concerned authorities and the Respondent No.4/HPCL has no role in verifying or adjudicating such issues.

11. In reply to the contents of Para-11 of the Application, it is submitted that the averments made therein are wrong and denied. It is submitted that Respondent No.4/HPCL had applied for approval(s) before the concerned authority on the basis of the documents, reports, and clearances issued by the competent authorities. The Respondent No.4/HPCL had no reason to conceal any fact, particularly when the competent authorities, after due verification, found the site to be compliant with the applicable norms and guidelines. It is further submitted that upon receipt of complaints from the Applicant, correspondence was exchanged with Petroleum and Explosives Safety Organization (PESO) regarding the issues raised, and the Respondent No.4/HPCL vide letter dt. 27.02.2025 addressed to the Assistant Environmental Engineer, Himachal Pradesh Pollution Control Board, sought confirmation regarding the alleged water body and requesting incorporation of the same in the relevant NOC. The remaining allegations are denied as being misconceived and devoid of merit.
12. In reply to the contents of Para-12 of the Application, it is submitted that the averments made therein are wrong and denied. The answering Respondent, vide communication dated 03.07.2024, correctly stated that the offered land was found compliant with the applicable guidelines on the basis of the reports, inspections, and approvals issued by the competent authorities and further clarified that commissioning of the RO would take place only after obtaining all necessary statutory approvals. The Respondent No.4/HPCL has no jurisdiction in relation to the issues raised by the Applicant. The remaining allegations are denied as being misconceived and devoid of merit.


 Advocate Naefam Kumari
 Notary Public
 Sub.-Div. Shimla (U) (H.)



 पद्मेश शुक्ला
 हिमप्रदूषण रोकथाम एवं प्रदूषण नियंत्रण विभाग
 एच.पी.सी.एल. लिमिटेड, हिमाचल प्रदेश क्षेत्रीय कार्यालय
 हिमप्रदूषण नियंत्रण आयोग, हिमाचल प्रदेश
 Padmesh Shukla
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

13

- & 14. In reply to the contents of Paras-13 and 14 of the Application, it is submitted that the averments made therein pertain to the reports, observations, correspondence, and actions of the concerned statutory authorities. For the sake of brevity, the Respondent No. 4/HPCL craves leave to refer to and rely upon the submissions made in the preceding paragraphs, which may kindly be read as part and parcel of the present reply.
15. In reply to the contents of Para-15 of the Application, it is submitted that the averments made therein are wrong, misconceived and denied. It is submitted that the RO was commissioned and petroleum products were supplied only after obtaining the requisite statutory approvals from the competent authorities. No act prejudicial to public safety, environmental norms, or applicable statutory requirements has been committed by the Respondent No.4/HPCL. The allegations regarding mala fide intent, environmental hazard, or public safety concerns are baseless and denied in toto.
16. In reply to the contents of Para-16 of the Application, it is submitted that the averments made therein pertain to alleged acts attributable to private parties and the actions of other authorities and do not call for any specific reply from the Respondent No.4/HPCL.
17. In reply to the contents of Para-17 of the Application, in respect of the Respondent No.4/ HPCL are wrong and hence denied.

Att. Secy
Advocate Anil Kumar
Statutory Public
Off.-Div. Shimla (U) (H.,

महोदय वरिष्ठ
विशेषज्ञ एवम्/पुत्र प्रमुख क्षेत्रीय प्रमुख
एन सी सी एस, सिविल, एच. एल. एल. एल. एल.
विशेषज्ञ एवम्/पुत्र प्रमुख क्षेत्रीय प्रमुख
Padmash Shukla
Attorney & Chief Regional Manager
HPCL, Shimla, H.P.

- 18. In view of the aforesaid, it is submitted that the said Application is not maintainable and this Hon'ble Tribunal may be pleased to dismiss the said Application with costs as the same is not bonafide and not based on correct facts and circumstances, apart from there being suppression as mentioned above.
- 19. That answering respondent crave leave of this Hon'ble Court to grant liberty to file additional pleadings, documents and/or other materials, if so required, in the interest of justice and for the effective adjudication of the present matter.

[Signature]
 Notary Public
 Sub Div. Shimla (U) (H.)

[Signature]

VERIFICATION:

I, the deponent abovenamed, do hereby verify that the contents of the foregoing affidavit are true to my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

Verified at Shimla on this the 25th day of June, 2026.

[Signature]
IDENTIFIED BY

[Signature]

DEPONENT

DEPONENT
 पद्मेश शुक्ला
 विनियुक्त एडवोकेट एवं मुख्य क्षेत्रीय प्रबंधक
 एच पी सी एल, शिमला, हि.प्र. रिटेल क्षेत्रीय कार्यालय
 हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड
 Padmesh Shukla
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.

DEPONENT
 पद्मेश शुक्ला
 विनियुक्त एडवोकेट एवं मुख्य क्षेत्रीय प्रबंधक
 एच पी सी एल, शिमला, हि.प्र. रिटेल क्षेत्रीय कार्यालय
 हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड
 Padmesh Shukla
 Constituted Attorney & Chief Regional Manager
 HPCL, Shimla, H.P.



Certified that the above/overleaf was declared before me on
 solemn affirmation on this 25 day of June 2026
 at Shimla in the District of Shimla by Sh Padmesh Shukla
 who was identified by Sn. Rishi Rani Adhan No
 who is personally know to me
 and the contents of the above affidavit have been read
 and the deponent has admitted them to be correct and
 true and he has signed and attested the same at the time of making there of.

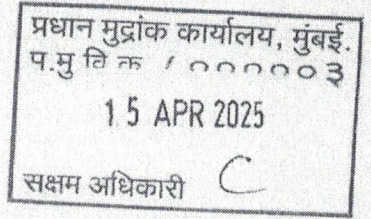
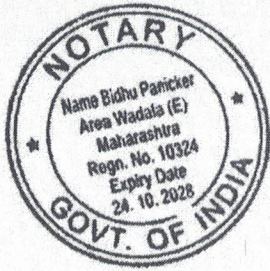
[Signature]
 Advocate cum Notary Public
 Sub Div. Shimla (H) 25/6/2026



महाराष्ट्र MAHARASHTRA

© 2024 ©

DH 751201



POWER OF ATTORNEY

श्रीमती सुषमा चव्हाण

TO ALL WHOM THESE PRESENTS SHALL COME I, AMIT GARG, DIRECTOR - MARKETING OF HINDUSTAN PETROLEUM CORPORATION LIMITED, a Government Company, under the Companies Act, 2013, (hereinafter referred to as 'the Company') SEND GREETINGS:

WHEREAS by a Power of Attorney dated 02/01/2023 of the Company, I, AMIT GARG, am appointed as an Attorney of the Company to do, execute and perform all or any of the acts, deeds, matters and things therein mentioned or contained.


AND WHEREAS by the said Power of Attorney, it is inter-alia, provided that I, the said AMIT GARG, shall have power to appoint one or more substitute or substitutes to do, execute and perform all or any of the acts, deeds, matters and things therein mentioned or contained.

AND WHEREAS in exercise of the power of appointing a substitute or substitutes given to me by the said Power of Attorney, I, the said **AMIT GARG**, am desirous of appointing **SHRI PADMESH SHUKLA, CHIEF REGIONAL MANAGER – RETAIL, SHIMLA RETAIL REGIONAL OFFICE** of the Company to be my Attorney and as the Attorney of the Company:

KNOW ALL MEN BY THESE PRESENTS THAT in exercise of the powers given to me by the said Power of Attorney, I, the said, **AMIT GARG**, hereby nominate, constitute and appoint **SHRI PADMESH SHUKLA, CHIEF REGIONAL MANAGER – RETAIL, SHIMLA RETAIL REGIONAL OFFICE** as my Attorney and as the Attorney of the said Company in the Republic of India with full power and authority to do, execute and perform all or any of the following acts, deeds, matters and things :

1. to enter into and execute contracts for the sale of such merchandise as is dealt in by the said Company upon such terms as shall from time to time be stipulated;
2. to ask, demand, levy, require, recover, receive and issue receipt for all such sums of money, debts, dues and demands whatsoever now or hereafter due owing or payable to the said Company from any person or persons;
- 3 (i) to institute, prosecute and defend Suits and other proceedings, to be present in the Courts as Plaintiff and Defendant, to sign and verify Plaints, Written Statements, Applications and Affidavits;
- (ii) to appoint Advocates and to act for and on behalf of the Company in such Suits and to do any and all lawful things necessary or proper for any such prosecution or defence;
- (iii) to cause any judgment, decree or order in favour of the Company to be executed;
- (iv) to comply with or Appeal from any judgment, decree or order adverse to the Company.



- 
4. to enter into and become party to and to sign and execute all applications, deeds, assurances, instruments, agreements, contracts, receipts, indemnities, counter indemnities, letters of subrogation and all other documents or writing on behalf of the Company except: (a) those required to be executed under its common seal and (b) which are otherwise provided for in the Articles of Association of the Company;
 5. to sign any or all documents which are required by the Central Excise/Customs/ Port/Railways/Central or State Government(s) or Corporation(s) and/or any other lawful authority and/or other parties on behalf of the Company;
 6. to become party to, sign, execute and present for registration and admit execution before any Registrar or Sub-Registrar of Assurances and to do every act, matter or thing necessary or proper to enable registration on behalf of the Company of all deeds, assurances, instruments, contracts, agreements, receipts and all other documents whatsoever;
 7. from time to time to appoint any person or persons by issuance of Specific Power of Attorney to act under or in the place of the said Attorney to present for registration and admit execution of Lease Deed(s)/Lease Agreement(s) before any Registrar or Sub-Registrar of Assurances on behalf of the Attorney and to revoke such appointment at pleasure.

AND IN GENERAL to do all other acts, deeds, matters, things whatsoever in or about the conduct, management and administration of the business of the Company and all the affairs relating thereto, which in the opinion of the said Attorney ought to be done or be executed or performed by the Company individually or jointly with any person or persons in or about the premises aforesaid as fully and effectually to all intents and purposes as the Company itself could do.

AND THE COMPANY hereby ratifies and confirms and agrees at all times to ratify and confirm all and whatsoever the said Attorney shall lawfully do or cause to be done in or about the premises aforesaid by virtue of these presents.

THIS Power of Attorney shall automatically stand revoked and cancelled in the event of **SHRI PADMESH SHUKLA** ceasing to be in position stated hereinabove due to reassignment, transfer, promotion, resignation or any other reasons whatsoever.



IN WITNESS WHEREOF **AMIT GARG, DIRECTOR - MARKETING OF HINDUSTAN PETROLEUM CORPORATION LIMITED**, being duly authorised to do so has hereunto set his hand this 25th day of APRIL Two Thousand Twenty Five.

SIGNED AND DELIVERED by the)
Withinnamed **AMIT GARG,**)
DIRECTOR - MARKETING)

Maria Pereira

in the presence of

BEFORE ME

Bidhu

BIDHU PANICKER

B.Com. LL.B.

ADVOCATE HIGH COURT

NOTARY (Govt. of India)

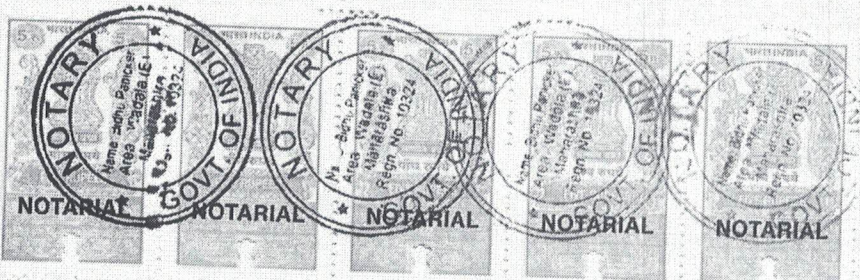
Res: 303, Sandeep Apt., Plot No. A/197,
Sector-20, Near Balaji Temple,
Nerul (W), Navi Mumbai, Maharashtra

Notary Reg. Sr. No 2294/2025
in Book No. II

25 APR 2025



Sent
True Copy



Item No. 01.

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(Through Physical Hearing with Hybrid VC Option)

Original Application No.408/2023

IN THE MATTER OF:

1. Harvinder Singh,
S/o Sardar Govind Singh,
Resident of House No. C2-1854,
Budia Gate, Jagadhri,
District-Yamuna Nagar, Haryana.

...Applicants

Versus

1. State of Haryana,
Through Chief Secretary,
Government of Haryana,
4th Floor, Haryana Civil Secretariat,
Sector- 1, Chandigarh- 160001, Haryana,
Email: cs@hry.nic.in.

2. District Magistrate, Yamuna Nagar,
Mini Secretariat, Jagadhri,
DC Office, Yamuna Nagar,
Email: dcynr@hry.nic.in.

3. Hindu Girls College,
Jagadhri, District Yamuna Nagar,
Haryana- 135003.
Email: hgcjagadhrigirls@rediffmail.com.

4. Mr. Pushpesh Passi,
House No. 931, Sector 17,
HUDA, Jagadhri, Yamuna Nagar,
Haryana- 135001,

5. Haryana State Pollution Control Board,
Through its Member Secretary,
C-11, Sector-6, Panchkula- 134109, Haryana,
Email: hspcb.ms@gmail.com.

6. Central Pollution Control Board,
Parivesh Bhawan, East Arjun Nagar,
Delhi- 110032.
E-mail :- mascb.cpcb@nic.in.

7. The Deputy General Manager (Retail Sales),
Panipat Divisional Office, Indian Oil Corporation Ltd.,
Village Bohli, P.O. Panipat Refinery,
District Panipat, Haryana

8. Ministry of Road Transport and Highways,
Transport Bhawan, 1, Parliament Street,
New Delhi -110001
Email :- secy-road@nic.in/
as-transport-morth@gov.in

...Respondents

Counsel for the Applicant:

Applicant in Person.

Counsel for the Respondents:

Mr. Rahul Khurana, Advocate for Respondents No. 1, 2 and 5.
Mr. Robin Dutt, Advocate for Respondent No. 4.
Mr. Raj Kumar, Advocate for Respondent no. 6 (through VC).
Mr. Divye Chugh, Mr. Manish Sharma and Mr. Rachit Roshan, Advocates
for Respondent no. 7.
Ms. Madhu Sweta, (through VC) and Mr. Yash Kapoor, Advocates for
respondent no. 8.
None for Respondent no. 3.

PRESENT:

HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Judgment Reserved on:- 02.07.2025

Judgment pronounced on :- 21.07.2025

Application under the provisions of the National Green Tribunal Act, 2010.

Judgment

PRONOUNCED BY: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JM

1. The applicant-Mr. Harvinder Singh filed an application/complaint bearing Diary No. 0701116011382023 (O.A.) (F/A) on 22.05.2023 through e-filing along with court fee of Rs. 1100/- but due to the same being defective for not filing of proper application/complaint, the applicant was asked to remove the defect on which the applicant refiled the proper

complaint/application on 26.05.2023 which has been registered as O.A. No. 408/2023.

2. The applicant has raised grievances about grant of permission by the officers of the Indian Oil Corporation and grant of NOC by the officers of the District Administration, Yamuna Nagar, Haryana for establishment of petrol pump in the premises of Hindu Girls College and School, Jagadhri, District Yamuna Nagar by ignoring the byelaws, rules and regulations and safety of the children with the prayer for directing cancellation of the NOC.
3. The relevant part of the application enumerating grievances of the applicant is reproduced as under:-

“Subject:- Complaint against the officers who were negligent in issuing petrol pump of Indian Oil Corporation by ignoring the byelaws, rule and regulation and safety of the children in the premises of Hindu Girls College and Hindu Girls School, Jagadhri, District Yamuna Nagar and complaint against the officials of District Administration Yamuna Nagar (Haryana) for illegally issuing the NOC for petrol pump of the aforesaid premises and cancelled the NOC or passed stay orders against the said NOC.

X

X

X

1. That the applicant Harvinder Singh S/o Shri Sardar Govind Singh, Resident of House No. C 2/1854, Budia Gate, Jagadhri, District Yamuna Nagar, Haryana and am a law abiding and peace loving person. I am a social worker and RTI Activist.
2. That the Indian Oil Corporation has issued letter no. 45154037444376 dated 01.02.2020 regarding the release of a petrol pump to Mr. Pushpesh, at the above mentioned place (in the premises of Hindu Girls College Jagadhri). In which NGT rules have been flouted. Even the local administration has issued No Objection Certificates illegally, without keeping the safety of girl students of Hindu Girls College and School. There will be no justification either.

The National Green Tribunal (NGT) has also issued guideline for setting up a Petrol/fuel pump vide OA No. 86/2019 dated 18-01-2019 which are as follow:-

In case of sitting criteria for petrol pumps new Retail Outlets shall not be located

within a radial distance of 50 meters (from fill point/dispensing units/vent pipe whichever is nearest) from Schools, Hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 metres distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new Retail outlet from schools, hospital (10 beds and above) and residential area designated as per local laws shall be less than 30 metres. No high tension line shall be pass over the retail outlet.

Central Pollution Control Board (CPCB) has recently issued guidelines to establish petrol pumps. These instructions have been issued because of the poor impact of petrol pumps on the environment. The Central Pollution Control Board has issued new guidelines keeping in view the directives of the National Green Tribunal.

According to these guidelines any petrol pump cannot be established in 50 metres radius of a school, hospital or residential area. CPCB also asked the concern authorities to issue challan if violations of rules are found.

But in the present case, the Hindu Girls College and School Management and Pushpesh have not complied with the NGT guidelines and CPCB guidelines. The distance between petrol pump and college is only 5-10 meters as the land (where petrol pump setting up) is situated in the premises of college and beside the land for petrol pump there is auditorium of college which can hold 1500 students at a time. The hostel of the college is also situated adjacent to the land in question. It is worthwhile to mention here that if the petrol pump set up the life of the students is not safe.

That the applicant has also moved complaint bearing complaint No. MOEAF/E/2023/0001258 to CPCB on dated 22-05-2023 and the said complaint is still pending.

The applicant has also moved complaint bearing No. CMOFF/N/2023/044818 dated 17-04-2023 through CM Window and the complaint is still pending and no action has been taken so far.

The management of the college and Pushpesh are highhanded persons and they have no respect of law as well as the guidelines of NGT and CPCB.

It is relevant to mention here that the local officials / administration are also illegally helping them and have not taken any action against them.

It is relevant to mention here that the properties (moveable or immovable) of any

educational society be used for the welfare of children but in the present case the properties of the educational society are being used against the safety of the students.

It is therefore, respectfully prayed that please take some strict legal action against aforesaid persons and necessary legal action may kindly be taken against the erring officials who are misusing their power and post ad illegally helping the aforesaid persons, keeping in mind the safety of the general public as well as students (girls), so that no one can take such negligence in their duty and it is further prayed that please cancelled the NOC or passed stay orders against the said NOC (which was issued by the District Administration Yamuna Nagar Haryana for the foresaid premises). It will be so kind of you.

Note:-All the relevant documents and photographs are attached herewith for your kind perusal."

4. Vide order dated 31.05.2023 this Tribunal impleaded the District Magistrate, Yamuna Nagar, Haryana; Hindu Girls College, Jagadhri, District Yamuna Nagar; Mr. Pushpesh Passi, House No. 931, Sec-17, HUDA Jagadhri, Yamuna Nagar, Haryana-135001 and Haryana State Pollution Control Board (HSPCB) as respondents no. 2 to 5 and ordered issuance of notices to respondents no. 1 to 5 requiring them to file their reply/response within two months.
5. By the above said order, this Tribunal also constituted a Joint Committee comprising of representatives of HSPCB and the District Magistrate, Yamuna Nagar and directed the same to meet within two weeks, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and file Factual and Action taken Report suggesting appropriate remedial action within two months.
6. In compliance thereof Team comprising of Sub-Divisional Magistrate, Jagadhri, Tehsildar, Jagadhri, Environmental Engineer, HSPCB, Jagadhri,

Halqa Kanungo, Jagadhri and Patwari, Jagadhri visited the site on 28.06.2023 in the presence of the applicant and the Project Proponent- Mr. Pushpesh Passi and submitted Joint Inspection Report dated 28.06.2023 to the District Magistrate, Yamuna Nagar. The relevant part of the Joint Inspection Report is reproduced as under:

“Spot inspection report of the proposed retail outlet in between Jagadhri Bus Stand to Aggarsain Chowk on NH, RD.+1.400 (RHS) of project proponent Sh. Pushpesh Passi at village/ Town Jagadhri, District Yamunanagar (Haryana)

X X X X

Presently the said piece of land measuring 20 mts X 20 mts found lying vacant with having raised boundary wall only and having no machinery found available on the site.

Further there is an auditorium found available near to the back wall of the proposed retail fuel outlet in the premises of Hindu Girls College, Jagadhri which was not shown in the lay out plan/site plan submitted at the time of applying for NOC at various departments by the project proponent.

*The distance of the auditorium situated in the college premises was measured on the spot by revenue department from the proposed vent pipe location shown in the drawing of the retail outlet and same was found approx **11.3 meter**, which is not fulfilling the criteria laid down by central pollution control board vide memorandum dated 07-01-2020 wherein the desired distance is **50 meters** from fill point /dispensing units/vent pipe whichever is nearest from schools, hospitals (10 beds and above) and residential areas designated as per local laws. In no case the distance between new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than **30 meters**. The site photographs are enclosed herewith.*

In view of position explained above it is found that the said retail fuel outlet is not meeting the required siting criteria distance as laid down by central pollution control board vide memorandum dated 07-01-2020

X X X X”

(emphasis added)

7. In view of the Joint Inspection Report the District Magistrate, Yamuna Nagar cancelled NOC number 45/PLA dated 15.05.2023 vide letter no. 253/PLA dated 30.06.2023 and filed Action Taken Report vide letter no. 254/PLA dated 30.06.2023. The relevant part of letter no. 254/PLA dated 30.06.2023 reads as under:-

“विषय: Joint Inspection Report in the matter of complaint No. 408/2023, Harvinder Singh Vs. State of Haryana and others.

विषयाधीन मामले में आपकी सेवा में सादर सूचित किया जाता है कि Application No. 408/2023 में दिनांक 31.05.2023 का आप द्वारा पारित आदेशानुसार संयुक्त समिति की मौका निरीक्षण रिपोर्ट प्राप्त की गई, जिसमें स्पष्ट तौर पर लिखा गया है कि The distance of the auditorium situated in the college premises was measured on the spot by revenue department from the proposed vent pipe location shown in the drawing of the retail outlet and same was found approx **11.3 meter**, In view of position explained above it is found that the said retail fuel outlet is not meeting the required siting criteria distance as laid down by central pollution control board vide memorandum dated 07-01-2020. जबकि इस कार्यालय द्वारा जारी किये गए अत्रापति प्रमाण पत्र के बिन्दु नं० 2 में लिखा गया था कि In compliance of Hon'ble NGT order dated January 18, 2019 in OA No. 86/2019 the guidelines issued by the Central Pollution Control Board, Delhi vide letter No. B-13011/1/2019- 20/AQM/10809 dated January 07, 2020 if the said company/owner of the retail outlet failed to comply the said guidelines the NOC would be revoked automatically without prior information.

अतः संयुक्त समिति की रिपोर्ट दिनांक 28.06.2023 जो कि उपमण्डलाधीश जगाधरी के कार्यालय के पत्र क्रमांक 842/ए०एल०सी० दिनांक 28.06.2023 के माध्यम से प्राप्त हुई है, के मध्यनजर Under Property ID-131C4U3 (PPID WITH EQUAL LENGH J 131 C0004U00003A गांव / शहर- जगाधरी, जिला यमुनानगर (हरियाणा) में IOCL कम्पनी नया रिटेल आउटलेट लगाने के लिये इस कार्यालय के पत्र क्रमांक 45/पी०एल०ए० दिनांक 15.05.2023 के माध्यम से जारी किया गया अत्रापति प्रमाण पत्र को निरस्त कर दिया गया है, जिसकी प्रति संलग्न है।”

8. The District Magistrate, Yamuna Nagar enclosed copy of letter no. 253/PLA dated 30.06.2023 with letter no. 254/PLA dated 30.06.2023. The relevant part of letter no. 253/PLA dated 30.06.2023 reads as under:-

“विषय:- इस कार्यालय के पत्र क्रमांक 45/पी०एल०ए० दिनांक 15.05.2023 द्वारा जारी की गई एन.ओ.सी निरस्त करने बारे।

आपको सूचित किया जाता है कि आपको इस कार्यालय के पत्र क्रमांक 45/पी०एल०ए० दिनांक 15.05.2023 द्वारा Under Property ID-131C4U3(PPID WITH EQUAL LENGH J 131 C0004U00003A गांव / शहर- जगाधरी, जिला यमुनानगर (हरियाणा) में IOCL कम्पनी नया रिटेल आउटलेट लगाने के लिये अत्रापति प्रमाण पत्र जारी किया गया था।

इस बारे Application No. 408/2023 में माननीय नेशनल ग्रीन ट्रिब्यूनल (NGT) के द्वारा दिनांक 31.05.2023 को पारित आदेशों की पालना में संयुक्त समिति की मौका निरीक्षण रिपोर्ट प्राप्त की गई, जिसमें स्पष्ट तौर पर लिखा गया है कि The distance of the auditorium situated in the college premises was measured on the spot by revenue department from the proposed vent pipe location shown in the drawing of the retail outlet and same was found approx **11.3 meter**, In view of position explained above it is found that the said retail fuel outlet is not meeting the required siting criteria distance as laid down by central pollution control board vide memorandum dated 07-01-2020. जबकि इस कार्यालय द्वारा जारी किये गए अत्रापति प्रमाण पत्र के बिन्दु नं० 2 में लिखा गया था कि In compliance of Hon'ble NGT order dated January 18, 2019 in OA No. 86/2019 the guidelines issued by the Central Pollution Control Board, Delhi vide letter No. B-13011/1/2019- 20/AQM/10809 dated January 07, 2020 if the said company/owner of the retail outlet failed to comply the said guidelines the NOC would be revoked automatically without prior information.

अतः संयुक्त समिति की रिपोर्ट दिनांक 28.06.2023 जो कि उपमण्डलाधीश जगाधरी के कार्यालय के पत्र क्रमांक 842/ए०एल०सी० दिनांक 28.06.2023 के माध्यम से प्राप्त हुई है, के मध्यनजर Under Property ID-131C4U3(PPID WITH EQUAL LENGH J 131 C0004U00003A गांव/शहर- जगाधरी, जिला यमुनानगर (हरियाणा) में IOCL कम्पनी नया रिटेल आउटलेट लगाने के लिये इस कार्यालय के पत्र क्रमांक 45/पी०एल०ए० दिनांक 15.05.2023 के द्वारा जारी किया गया अत्रापति प्रमाण पत्र को तुरन्त प्रभाव से निरस्त किया जाता है।”

9. Respondent no. 4-Mr. Pushpesh Passi (Project Proponent) challenged order dated 30.06.2023 passed by the District Magistrate, Yamuna Nagar by filing **CWP No. 15708/2023** titled as **Pushpesh Passi Vs. State of Haryana & Ors.** before Hon'ble Punjab and Haryana High Court which was allowed vide order dated 25.07.2023 whereby order dated 30.06.2023 passed by the District Magistrate, Yamuna Nagar was set aside. The relevant part of the order reads as under:-

“1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 30.06.2023 (Annexure P-7) whereby District Magistrate has cancelled NOC granted to establish a petrol pump.

2. The brief facts of the case are that petitioner pursuant to advertisement issued by respondent No.4 applied for retail outlet. The respondent No.4-IOC issued LOI on 04.07.2020. The respondent No.4- IOC applied for NOC in terms of Rule 144 of Petroleum Rules, 2012. The District Magistrate issued NOC on 15.05.2023 after getting clearance from different authorities. The respondents vide impugned order dated 30.06.2023 has cancelled NOC.

3. Mr. Robin Dutt, Advocate inter alia contends that the petitioner has already spent more than Rs.50 lakhs on the development of site and civil work. The respondent has cancelled NOC in a mechanical and whimsical manner. The petitioner as well as respondent No.4 were neither issued show cause notice nor granted opportunity of personal hearing. The act of respondents amounts to gross violation of principal of natural justice. He further submits that this Court in identical situation in the case of "Hindustan Petroleum Corporation Limited vs. District Magistrate, Ferozepur" CWP No.12070 of 2019 vide order dated 19.07.2023 has quashed order of cancellation of NOC on the ground that neither show cause notice was issued nor opportunity of hearing was granted.

4. Mr. Sharma, on being confronted with aforesaid order of this Court as well as order dated 19.07.2023 passed by this Court in CWP No.12963-2023 expressed his inability to controvert the applicability of these judgment to present case.

5. The relevant extracts of the order dated 19.07.2023 passed in CWP No.12070 of 2019 read as :

9. On being asked, learned State counsel failed to produce copy of show cause notice which preceded the impugned order. From the perusal of impugned order, it comes out that it has been passed in a mechanical manner. Neither show cause notice has been issued nor opportunity of hearing has been granted. Impugned order itself is non-speaking. It is settled proposition of law that every order which entails civil or criminal consequences is bound to be passed after compliance of principles of natural justice and it should be a reasoned order.

10. The respondent has passed impugned order without issuing show cause notice as well granting opportunity of personal hearing. In the absence of show cause notice followed by opportunity of personal hearing, the impugned order can not be sustainable.

11. The petition deserves to be allowed and accordingly allowed. The impugned order dated 28.01.2019 (Annexure P-10) is hereby set aside.

5. The case of the petitioner is squarely covered by aforesaid order, thus, the present petition deserves to be allowed and accordingly allowed. The impugned order dated 30.06.2023 (Annexure P-7) is hereby set aside."

10. Pursuant to notice respondent no.3- Hindu Girls College, Jagadhari, District Yamuna Nagar filed reply vide email dated 28.07.2023. The relevant part of the reply is reproduced as under:

***“Sub:-Reply to notice in Application No.408/2023
(Harvinder Singh...Applicant Vs. State of Haryana &
Ors...)”***

X

X

X

Refer to notice mentioned cited above. In this regard it is submitted:

- 1. That Hindu Girls College, Jagadhri or the management has not applied for any petrol pump nor taken any NOC from anywhere.*
- 2. That Sh. Pushpesh r/o H. No.921, Sector - 17, HUDA, Jagadhri has taken the farthest, vacant, non-useable land of the college on lease for installation of petrol pump.*
- 3. That it is revenue generating attempt for sole utilization for the welfare of the girl students of our college and the area is far from the class rooms, playground and mess.*
- 4. That the building called auditorium and the girl's hostel is vacant. No student is residing in the hostel building for the last 08 years.”*

11. In response thereto the applicant sent email dated 30.11.2023 submitting that the averments made by College Management regarding the auditorium and the hostel being vacant and no student residing in the hostel for the last eight years are false and that a convocation function/annual function was celebrated in the auditorium a few days ago.

12. Respondent no.4-Project Proponent filed reply vide email dated 07.08.2023. The relevant part of the reply reads as under:

“Reply on behalf of respondent no.4 Pushpesh

- 1. That answering respondent arrayed as an respondent no.4 in the abovesaid Original Application with the ulterior motive and with the malafide intention just to harass the answering respondent and to stop the smooth working of granting the LOI for the outlet issued by Indian Oil Corporation Ltd., hereinafter called (IOCL.).*
- 2. That the application is not maintainable in the present form and applicant very smartly twisted the fact and tried to*

mislead this Hon'ble Tribunal by giving the wrong facts to the effect that the present outlet is near the school and there is violation of guidelines, which was framed by Central Pollution Board, while complying with the order in OA No.2056 of 2019.

3. That the true facts of the case are that :-

(i) IOCL on 24.11.2018 through an Advertisement called for Retail Outlet and issued the broucher and answering respondent applied for and after the visit of the officials of IOCL, the place which was chosen for the outlet was passed by Land Evaluation Committee of IOCL and issued the LOI and directed the answering respondent to start the development of the place where the outlet is to be installed and as per the directions answering respondent started the development as answering respondent came to know that IOCL has applied for No Objection Certificate for storing the Diesel & Petrol from the concerned departments.

(ii) That District Magistrate cum Collector i.e. respondent no.2 called the No Objection from various departments that are Municipal Corporation, Forest Department, Pollution Department, National Highway Authority, Fire Department, Labour Department, Industry Department, Electricity Board, S.D.O.(Civil), Town & Country Planning & Police Department etc. and after obtaining the NOCs, respondent no.2 on dated 15.5.2023 issued the No Objection Certificate, which is annexed as **Annexure R4/1** before this Hon'ble Tribunal. They suggest that enquiry has thoroughly been conducted since 2020 to till 2023 and then NOC was issued.

(iii) That applicant with ulterior motive and just to harass the answering respondent filed the present application, while twisting the facts submitted that NOC was issued while ignoring the by laws and rules and regulations and safety of the children in the premises of Hindu Girls College & Hindu Girls School Jagadhri, Yamuna Nagar, whereas the facts are otherwise. It is humbly submitted before this Hon'ble Tribunal that there is long process of issuing NOC as District Magistrate cum Collector issue the directions to various departments and all the departments to whom the directions were issued inquire the matter at spot and prepare that spot report and thereafter submit the report before the District Magistrate as answering respondent is annexing one of the example before this Hon'ble Tribunal as **Annexure 4/2**, the report submitted by S.D.O.(Civil).

(iv) That it is not out of place to mention here that while complying with the order passed by this Hon'ble Tribunal in O.A. No.86 of 2019 Central pollution Board framed the policy after taking the Expert Committee Opinion for the installation of the new petrol pumps and in their guidelines it was specifically mentioned at point "h" that the siting criteria of

Retail Outlet not to be located within radial distance of 50 meters (from all points/ dispensing unit/vent pipe, whoever is nearest) from school, hospital (10 bed and above) . It is humbly submitted before this Hon'ble Tribunal that expert committee while framing the guidelines , which were in their mind expressed in the words specifically mentioned the school and the hospital and in the brackets it was very much clear that the hospital means 10 bed and above., hence expert committee can express while mentioning school only, but neither the educational institution nor the college is mentioned meaning thereby that after perusing the guidelines issued by the Central Pollution Board it is very much clear that answering respondent can install the petrol pump near the college. The guidelines issued by Central Pollution Board is annexed as **Annexure 4/3** before this Hon'ble Tribunal.

(v) That there is difference in between the definition of school and college in Haryana. The Haryana School Education Act 1995,(hereinafter called Haryana Education Act 1995). Section 2(r) are defined the school as :-

"r. "School includes a primary, middle, high or senior secondary school and also includes any other institution which imparts education or training below degree level, but does not include an institution, which imparts technical education."

Hence, after perusing the definition defined in the Act 1995, it is very much clear that college is different from the school as University Grant Commission Act 1956 define the college in

chapter 3 section 12(a)(i)(b) as "" College" means any institution whether known as such such or by any other name, which provides for a course of study for obtaining any qualification from a University and which, in accordance with rules and regulations of such university, is recognized as competent to provide for such course of study and present students under going such course of study for the examination for the award of such qualification:". Hence, after perusing the abovesaid provisions in the Act, it is very much clear that school and college is different from each other.

(vi)That the present application is misconceived and not sustainable in the eye of law as NOC issued by respondent no.2 on 15.5.2023 is well within the frame work of law and after thorough inspection and enquiry.

That this Hon'ble Tribunal was pleased to pass the interim order on dated 31.5.2023 and directed the State of Haryana to frame a Joint Committee to verify the factual position. The Joint Committee was framed and Joint Committee after visting the spot measured the distance from the vent pipe to the college auditorium hence the committee, which was constituted

vide the order dated 31.5.2023 by this Hon'ble Tribunal also did not find that the school is situated nearby vent pipe or premises of petrol pump, but respondent no.2 in very hurry and arbitrary passed the order and cancelled all NOCs. On 30.6.2023 without calling the answering respondent to explain his case, hence, remain with no option answering respondent challenged the illegal action of respondent no.2 before Hon'ble High Court for the States of Punjab & Haryana at Chandigarh. While filing CWP, which was numbered as 15708 of 2023 titled as Pushpesh Passi Vs State of Haryana & Others and Hon'ble High Court was pleased to set aside the illegal order passed by respondent no.2. The order is annexed as **Annexure 4/4** before this Hon'ble Tribunal.

(viii) That the present application is filed with ulterior motive and malafide intention just to stop the smooth working. Applicant is very much aware of the fact that almost 90% of the work have already been completed and answering respondent has spent more than 50 Lacs Rupees to develop the site, which clear cut prove that the LOI was issued in year 2020 and the NOC was issued on 15.5.2023 and applicant was very much aware with the fact that LOI has already been issued as applicant is local resident of Jagadhri and projected himself to be RTI activist, but he chose to kept mum upto 2020, which clear cut suggest the malafide intention of the applicant, hence, the present application deserves to be dismissed on this sole ground.

ON MERITS :-

1. That contents of the para no.1 of the application are denied for want of knowledge. The applicant be put to strict proof of the averments made in the para.
2. That contents of the para no.2 of the application are admitted to the extent that IOCL has issued the letter to answering respondent. It is wrong to suggest that the NGT Rules have been floated. It is further wrong hence denied that Administration has issued NOC illegally. It is humbly submitted before this Hon'ble Tribunal that LOI was issued in the year 2020 and IOCL applied for NOC, which was issued after 3 years after thorough inspection and enquiry hence it is wrong and vehemently denied that NOC was issued without keeping the safety of girls students of Hindu Girls College. It is further wrong and hence denied that there is any school situated where the site for retail outlet is developed. The fact mentioned in next paragraphs, regarding issuance of guidelines by this Hon'ble Tribunal are matter of record, hence admitted, whereas after perusing the Bold words it is very much clear that outlet cannot be installed near the school, but it is no where mentioned that it cannot be installed near the college or educational institution. Regarding the interpretation given in the para it is humbly submitted before this Hon'ble Tribunal that applicant cannot interpret in his own words regarding the

guidelines issued by Central Pollution Control Board. It is further wrong and hence denied that answering respondent have not complied with NGT guidelines and CPCB guidelines. It is further submitted before this Hon'ble Tribunal that the applicant very smartly twisting the facts and tried to mislead this Hon'ble Tribunal by inter mingling the school and college. As far as moving of complaint by the applicant before the CPCB & CM Window, the same is denied for want of knowledge.

It is further wrong and hence denied that the answering respondent has no respect for the law or guidelines issued by NGT and CPCB as alleged.

It is further wrong and hence denied that Local Administration illegally helping the answering respondent.

13. Vide order dated 17.08.2023 this Tribunal directed the District Magistrate, Yamuna Nagar to report as to whether as per terms and conditions of the allotment/lease, the installation of petrol pump within the campus of school/college is permissible or not and whether the installation of petrol pump in the campus violates the basic principles of establishment of Educational Institution. This Tribunal also directed the District Magistrate, Yamuna Nagar to proceed further in accordance with law and after providing an opportunity of hearing, dispose of the application in the light of CPCB Guidelines and to file further action taken report within three weeks. This Tribunal also directed that till decision is taken by the District Magistrate, the NOC shall be kept in abeyance.

14. In compliance of order dated 17.08.2023 the District Magistrate, Yamuna Nagar constituted a Committee comprising of Additional District Magistrate, Yamuna Nagar, Sub-Divisional Officer, Jagadhri, Regional Officer, HSPCB, Yamuna Nagar and District Higher Education Officer, Yamuna Nagar which submitted its report dated 06.10.2023 vide letter no. 1255 dated 10.10.2023 to the District Magistrate, Yamuna Nagar. The relevant part of the report dated 06.10.2023 reads as under:-

“Detailed inspection report in compliance of orders issued by District Magistrate vide letter no. 462 dated 22.09.2023.

The site of the proposed retail fuel outlet in between Jagadhri Bus Stand to Aggarsain Chowk which is mentioned in the complaint filed before Hon'ble NGT New Delhi vide OA No. 408 of 2023 titled as Harvinder Singh Vs. State of Haryana and Others was visited on dated 22-09-2023 by the team comprising of following officers:-

1. Additional Deputy Commissioner, Yamuna Nagar.
2. Sub Divisional Magistrate, Jagadhri.
3. Regional Officer, HSPCB, Yamuna Nagar.
4. District Higher Education Officer, Yamuna Nagar.

Point wise reply of points as asked by District Magistrate, Yamuna Nagar vide letter no. 462 dated 22.09.2023 is as below:-

Observation 1. संयुक्त समिति की रिपोर्ट दिनांक 28.06.2023 जो कि उपमंडलाधीश जगाधरी के कार्यालय के पत्र क्रमांक 842 / ए०एल०सी० दिनांक 28.06.2023 के माध्यम से प्राप्त हुई थी की पुनः जांच की जाये व रिपोर्ट करें कि केन्द्रीय प्रदूषण नियंत्रण बोर्ड के पत्र दिनांक 07.01.2020 (प्रति संलग्न) ए बिंदु H में वर्णित दिशा-निर्देशों के अनुसार शर्त पूर्ण करता है अथवा नहीं?

Reply Point 1:- The distance of the auditorium situated in the college premises was measured on the spot by revenue department from the proposed vent pipe location shown in the drawing of the retail outlet and same was again found approx **11.3 meter**, which is not fulfilling the criteria laid down by Central Pollution Control Board vide memorandum dated 07-01-2020 (Point-H) wherein the desired distance is **50 meters** from fill point / dispensing units/vent pipe whichever is nearest from schools, hospitals (10 beds and above) and residential areas designated as per local laws. In no case the distance between new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than **30 meters**.

In view of position explained above, it is found that the said retail fuel outlet is not meeting the required siting criteria distance as laid down by central pollution control board vide memorandum dated 07-01-2020.

Observation 2. शैक्षणिक संस्था के द्वारा दिये गए पट्टा की शर्तों के अनुसार क्या स्कूल / कालेज परिसर में पेट्रोल पंप स्थापित किया जा सकता है अथवा नहीं?

Reply Point 2:- Principal of Hindu Girls College, Jagadhri has submitted sale purchase documents vide their letter dated 05.10.2023 and as per the conditions of sale deed there is no objection in setting up of Petrol Pump on the said land (copy of letter dated 05.10.2023 and copy of lease agreement is attached herewith). However petrol pump cannot be established on this land as it violates Point No.-H of CPCB memorandum dated 07.01.2020.

Observation 3. प्रार्थी द्वारा प्रस्तुत किये गए दस्तावेज में *University Grant Commission Act, 1956 (College definition) Haryana School Education Act 1995 (School definition) व Hindu Girl College Law bye laws* के बारे भी स्थिति स्पष्ट करें।

Reply Point 3:- As per the criteria laid down by Central Pollution Control Board vide memorandum dated 07-01-2020 (in Point-H) it is mentioned that "In case of siting criteria for petrol pumps new Retail Outlets shall not be located within a radial distance of 50 meters (from fill point/ dispensing units/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet from schools, hospitals (10 beds and above) and residential area designated as per local laws shall be less than 30 meters No high tension line shall pass over the retail outlet".

Therefore, the Applicant has submitted documents of University Grant Commission Act, 1956(College definition), Haryana School Education Act 1995 (School definition) and Hindu Girl College Law bye laws for clarifying the definition of school and college and pleading that Hindu Girls College is a college and not a school and thus they are not covered under point no. H of Central Pollution Control Board vide memorandum dated 07-01-2020.

Whereas the installation of petrol pump near college violates the (Point-H) as both school & college are educational institutes and installation of petrol pump near Educational Institute violates Point-H of CPCB notification dated 07.01.2020."

(Emphasis added)

15. On receipt of the report the District Magistrate, Yamuna Nagar, vide letter no. 574/PLA dated 20.11.2023, granted opportunity of personal hearing to respondent no. 4- Pushpesh Passi who made written statement before the District Magistrate, Yamuna Nagar. The relevant part of written statement made by respondent no. 4- Pushpesh Passi before the District Magistrate, Yamuna Nagar is reproduced as under:-

"स्कूल व 10 बेड या 10 बेड से अधिक के अस्पताल में समाज के 18 वर्ष से कम आयु के बच्चे जो कि किसी आपदा के समय खुद से बचाव के निर्णय लेने में सक्षम नहीं होते और अस्पताल में भर्ती मरीज भी आपदा में स्वयं वहां से बाहर नहीं आ सकते। हमारी दृष्टि में कानून में इस तबके की सुरक्षा को अहमियत दी गई है। जहां तक कॉलेज की बात है या फिर किसी

भी कार्यालय जहां पर व्यस्क लोग काम करते हैं, वहां के लोग आपदा के समय अपनी सुरक्षा स्वयं कर सकते हैं। ऐसे में Educational Institute का हवाला देते हुए स्कूल और कॉलेज को एक दृष्टि से नहीं देखा जाना चाहिए। मान लीजिए कल को कोई प्राइवेट कॉचिंग सेंटर शुरू हो जाता है तो क्या हम उसे भी Educational Institute की श्रेणी में शामिल कर देंगे, यह बात विचार योग्य है। उपरोक्त तथ्यों को मध्यनजर रखते हुए मेरी जमीन CPCB Act के अनुसार निर्धारित मानकों का अनुसरण करती है। अतः मेरे पेट्रोल पंप के अन्नापति प्रमाण पत्र को रद्द न किया जाए।”

16. Thereupon, the District Magistrate, Yamuna Nagar sought opinion from the District Attorney, Yamuna Nagar who, vide letter no. 4173/DAY/2023 dated 30.11.2023, opined that the word "Schools" is mentioned whereas the word "Colleges" is not mentioned in the guidelines and it would be appropriate to seek the clarification from the CPCB regarding inclusion of colleges in the word "schools" as mentioned in the guidelines dated 07.01.2020 issued by the CPCB as there was no clear guidelines, notifications and instructions regarding inclusion/exclusion of the 'colleges" in the word "Schools" for the said purpose”.

17. In view of the opinion given by the District Attorney, Yamuna Nagar, the District Magistrate, Yamuna Nagar sought clarification from CPCB and made written request to this Tribunal for permitting filing of reply by him thereafter.

18. Vide order dated 20.12.2023 this Tribunal impleaded CPCB as respondent no.6 requiring it to file its reply/response within one month.

19. In compliance thereof reply has been filed by respondent no. 6-CPCB vide email dated 02.02.2024. The relevant part of the reply is reproduced as under:

**“REPLY ON BEHALF OF RESPONDENT NO. 6 i.e.
CENTRAL POLLUTION CONTROL BOARD (CPCB)**

X

X

X

REPLY ON MERIT:-

1. It is humbly submitted that the issue of setting up of large number of petrol pumps without any environmental concern was considered by the Hon'ble NGT in OA No. 86 of 2019 titled as Gyanprakash @ Pappu Singh vs UoI & Others. Thereby, Hon'ble NGT directed the Ministry of Petroleum and Natural Gas and CPCB to review the matter and issue appropriate guidelines. Accordingly, the guidelines for setting up of new petrol pumps were framed under the guidance of the Expert Committee comprising of officials from MoPNG, NEERI, IIT-Kanpur, IIP- Dehradun, TERI & CPCB and were subsequently circulated on 07-01-2020 to concerned stakeholders for implementation. The copy of guidelines is annexed herewith as **ANNEXURE-A**.

2. It is humbly submitted that the Expert Committee while framing the guidelines, had discussed the applicability of the siting criteria, and it was decided that siting criteria should be applied for sensitive locations. Subsequently, Expert Committee in its meeting held on 01.01.2019, decided that siting criteria may be prescribed only w.r.t. schools and hospitals (10 beds and above), considering these as sensitive locations. The copy of minutes of Expert Committee meeting held on 5.4.2019 and 01.10.2019 are annexed herewith as **ANNEXURE-B**.

3. That the issue of prescribing siting criteria w.r.t certain locations/buildings have already been deliberated by the expert committee and colleges have not been included considering schools and hospitals (10 beds and above), as sensitive locations.

4. That in response to letter dated 29-11-2023 of DM, Yamuna Nagar, Haryana, seeking clarification from CPCB whether college is exempted from prescribed criteria, CPCB vide letter dated 18-12-2023 had provided its response to DM, Yamuna Nagar, informing that CPCB Guidelines dated 07-01-2020 for setting up of new petrol pumps prescribe siting criteria w.r.t. schools, hospitals (10 beds and above) and residential areas designated as per local laws.

5. That CPCB humbly submits that this Hon'ble Tribunal may pass any order as may deem fit and proper in the facts and circumstances of the matter. Additionally, it is also submitted that CPCB will comply with all the orders and directions of the Hon'ble Tribunal passed in the instant OA, in the interest of justice."

20. Arguments were heard and order was reserved but while going through the material on record this Tribunal considered impleadment of the Deputy General Manager (Retail Sales), IOCL Panipat Divisional Office, Panipat to be essential for just and proper adjudication of the questions involved in the case and production of the original record pertaining to grant of NOC by the

District Magistrate, Yamuna Nagar with photostat copy thereof to be essential for considering the aspect of suppression of/misrepresentation of material facts by the Project Proponent for grant of NOC and effect thereof.

21. Accordingly, vide order dated 20.08.2024 this Tribunal relisted the case for further hearing and impleaded the Deputy General Manager (Retail Sales), Panipat Divisional Office, Indian Oil Corporation Ltd. as respondent no.7 requiring him to file his reply/response at least one week before the next date of hearing and directed the District Magistrate, Yamuna Nagar to arrange production of the entire original record pertaining to grant of impugned NOC to the Deputy General Manager (Retail Sales) IOCL Panipat Divisional Office, Panipat with photostat copy thereof on the next date of hearing. The relevant part of order dated 20.08.2024 reads as under:-

"12. Arguments were heard and order was reserved but while going through the material on record we have observed that in the present case the Deputy General Manager (Retail Sales), IOCL Panipat Divisional Office, Panipat submitted application no. PDO/RO/Jagadhri dated 11.07.2020 for storage of petroleum products in the premises under property ID-131C4U3 (PPID WITH EQUAL LENGH J 131 C0004U0003A, Village/Town Jagadhri District Yamuna Nagar, Haryana. In view of reports submitted by the concerned officers/departments, NOC no. 45/PLA dated 15.05.2023 was granted by the District Magistrate, Yamuna Nagar to the Deputy General Manager (Retail Sales), IOCL Panipat Divisional Office, Panipat. In view of Joint Inspection Report dated 28.06.2023 as to proposed retail outlet being violative of CPCB Guidelines, the District Magistrate, Yamuna Nagar cancelled NOC no. 45/PLA dated 15.05.2023 vide letter no. 253/PLA dated 30.06.2023 sent to the Deputy General Manager (Retail Sales), IOCL Panipat Divisional Office, Panipat. It may also be added here that respondent no.4 filed CWP No. 15708/2023 titled as Pushpesh Passi Vs. State of Haryana & Ors. challenging order dated 30.06.2023 before Hon'ble Punjab and Haryana High Court on the ground that the same was passed without grant of opportunity of being heard to respondent no.4 and the Deputy General Manager (Retail Sales), IOCL Panipat Divisional Office, Panipat although in his reply filed before this Tribunal respondent no. 4 did not take any plea as to non-joinder of the Deputy General Manager (Retail Sales), IOCL Panipat Divisional Office, Panipat. In view of the

above discussed facts and circumstances, presence of the Deputy General Manager (Retail Sales), IOCL Panipat Divisional Office, Panipat is necessary and due to being necessary party impleadment of the Deputy General Manager (Retail Sales), IOCL Panipat Divisional Office, Panipat is essential for just and proper adjudication of the questions involved in the case.

13. Further, it may be observed here that Tehsildar Jagadhri sent report vide memo No.100/OK dated 17.04.2023 to Sub Divisional Officer, Jagadhri that the proposed site falls in Abadi-deh; as per registered lease deed no. 1655 dated 02.06.2021 Mr. Pushpesh son of Mr. Amar Nath is in procession as lessee;. Hindu Girls College is about 100 meter far from the proposed site and there is no public site nearby; and no school, hospital and residential house came within 100 meters. In Joint Inspection Report dated 28.06.2023 it has been mentioned that there is an auditorium in the premises of Hindu Girls College, Jagadhri approx 11.3 meter from proposed retail fuel outlet which was not shown in the lay out plan/site plan submitted at the time of applying for NOC by the Project Proponent. Copies of the application submitted for grant of NOC and documents enclosed with the same have not been filed before this Tribunal. We consider production of the original record pertaining to grant of NOC by the District Magistrate, Yamuna Nagar with photo stat copy thereof to be essential for considering the aspect of suppression of/misrepresentation of material facts by the Project Proponent for grant of NOC and effect thereof.

14. In view of the above, the case is re-listed for further hearing.

15. The Deputy General Manager (Retail Sales), Panipat Divisional Office, Indian Oil Corporation Ltd., Village Bohli, P.O. Panipat Refinery, District Panipat, Haryana is impleaded as respondent no.7. The Registry is directed to amend the memo of parties and issue notice to respondent no.7 requiring him to file his reply/response at least one week before the next date of hearing hereby fixed.

16. The District Magistrate, Yamuna Nagar is directed to arrange production of the entire original record pertaining to grant of impugned NOC to the Deputy General Manager (Retail Sales) IOCL Panipat Divisional Office, Panipat with photo stat copy thereof on the next date of hearing hereby fixed.

22. In compliance thereof respondent no. 2-District Magistrate, Yamuna Nagar produced the original record and submitted Photostat copy of the same. Original record was seen and returned and the Photostat copy was taken on record.

23. Reply was filed by respondent No. 7-IOCL, Panipat vide email dated 23.09.2024. The relevant part of the reply filed by respondent No. 7-IOCL, Panipat vide email dated 23.09.2024 is reproduced below:-

"REPLY ON BEHALF OF THE RESPONDENT NO.7. THE INDIAN OIL CORPORATION LIMITED, (IOCL)

X

X

X

A. That the Respondent No.7 herein, respectfully submits that the allegations raised by the Applicant regarding the alleged improper issuance of NOC for the establishment of a retail outlet near Hindu Girl College Jagadhri, District Yamuna Nagar, are without any basis or merit. Respondent No 7 has adhered to all applicable laws, rules, regulations and guidelines including the Central Pollution Control Board (CPCB), in seeking and obtaining the NOC.

PRELIMINARY SUBMISSIONS

B. That the present Original Application (hereinafter referred as OA) was registered vide O.A.408/2023 before the Hon'ble NGT, PB, New Delhi .On 31.05.2023, the Applicant filed a complaint before this Hon'ble Tribunal, alleging that the NOC was granted on 15.05.2023, vide NOC no. 45/PLA for the proposed retail outlet at the location Between Jagadhri bus stand to Agrasen Chowk on NH, RD +1.400 (RHS) at Village/Town Jagadhri, District Yamuna Nagar, Haryana was in violation of by-laws, endangering the safety of children at the nearby Hindu Girl College and School. Copy of NOC granted is marked herewith as Annexure R7/1. On 30.06.2023, the District Magistrate, cancelled the NOC (Copy of NOC cancelled is marked herewith as Annexure R7/2), prompting Respondent No. 4 to challenge the cancellation before the Punjab and Haryana High Court. The Hon'ble High Court in its order dated 25.07.2023, set aside the cancellation and restored the NOC.

C. That the Hon'ble Tribunal directed the District Magistrate to follow due process and CPCB guidelines while keeping the NOC in abeyance until further clarification was received. That the Hon'ble Tribunal also directed the impleadment of CPCB and sought clarification in regard to the fact whether colleges are included in the guidelines dated 07.01.2020.

The CPCB vide its reply clarified that that its siting criteria for sensitive locations applied only to schools and hospitals (with more than 10 beds) and not to colleges.

D. That it is humbly submitted that on 20.08.2024, this Hon'ble Tribunal raised concerns regarding the presence of an auditorium within 11.3 meters of the proposed retail outlet, which was not shown in the original layout plan submitted by IOCL. The Tribunal further directed the production of the

original records related to the grant of NOC and also impleaded the Deputy General Manager (Retail Sales), Panipat, as Respondent No. 7.

E. That in response to the Hon'ble Tribunal's order dated 20.08.2024, it is relevant to mention that application for NOC for the proposed Retail Outlet sites are always filed by the answering Respondent and in the instant case, the answering Respondent respectfully submit that there has been no suppression or misrepresentation of material facts done by answering Respondent while obtaining the NOC for the establishment of Retail Outlet. The initial drawing/layout (annexed herein as ANNEXURE R7/3) submitted to the District Magistrate, Yamuna Nagar, for the grant of the NOC clearly indicated the presence of "Hindu Girls College Land" around the Retail Outlet site. At the time of submission of application for NOC, the answering Respondent had no access to, nor knowledge of, the internal facilities of the college or their specific uses. As such, further detailed indications regarding the internal layout of the college were not included in the submission, as this information was not available to the answering Respondent.

F. Furthermore, the approved drawing/layout (annexed herein as ANNEXURE R7/4), which was prepared by an NHAI-approved consultant, fully complies with the relevant NHAI norms. This approved layout also explicitly identifies the presence of Hindu College, with the college's access point marked as "Hindu College Gate." Therefore, it is evident that there was no concealment of facts during the submission of the drawing/layout for obtaining the NOC, as all relevant information available to the answering Respondent was duly disclosed and inserted in the drawings while applying for NOC. We affirm that all actions were taken in compliance with the applicable regulations, and there was no intention of mislead or misrepresent facts.

G. That the complainant herein has failed to show locus standi in this matter, Hon'ble Supreme Court of India has in many cases indicated that person filing the complaint should exhibit his/her locus standi first in order to pray for cancellation of NOC, in this particular case complainant has no locus standi and complainant seems to be settling his personal score and eventually delaying setting of petrol pump which is of public use and public utility.

H. That it is relevant to place on record that CPCB guidelines dated 7.1.2020 clearly mentions that in case of constraints in providing 50 mtrs distance, the retail outlet shall implement additional safety as prescribed by PESO. In no case, the distance between new Retail Outlet from school, hospitals (10 beds and above) and residential area designed as per local laws shall be less than 30 mtrs. Based on the aforesaid guidelines, PESO has issued a circular bearing no C.VIII(3) 125/Circular/Petroleum dt 9.9.2024 whereby additional safety measures for setting up of new Retail Outlet within the radius of 30-50 mtrs of residential areas, school, hospitals (10 beds

and above) have been prescribed. Copy of PESO Circular bearing no C. VIII (3) 125/Circular/Petroleum dt 9.9.2024 is annexed as Annexure R7-5) In view of the above, it is very clear that the Retail Outlets can be established even within 30-50 mtrs of radius of school, residential area and hospitals (10 beds & above) by taking additional safety measures as prescribed by PESO in line with CPCB circular. As such the proposed site in the instant case is meeting the norms and NOC granted by DM was in line with CPCB guidelines.

REPLY ON MERITS:

I. At the outset it is respectfully submitted that the Answering Respondent deny all contents as well as averments, questions of law raised, and grounds taken in the Application unless specifically admitted and reply all together in the following paragraphs.

2. That the contents of the para no. 1 of the application are denied for want of knowledge. The applicant be put to strict proof of the averments made in the para

3. That the content of para 2 is denied to extent to that answering Respondent has issued the letter to the Respondent NO 4 illegally without keeping safety of girl students of Hindu Girls College. It is humbly submitted that there has been no suppression or misrepresentation of material facts by the answering Respondent in the process of obtaining the NOC or otherwise. The initial drawing/layout, which was submitted to the District Magistrate, Yamuna Nagar, for the purpose of obtaining the NOC. clearly indicates the presence of "Hindu College Land" around the Retail Outlet site. The specific facilities within the college premises like auditorium are neither accessible nor known to the answering Respondent, and the purpose for which these facilities are used is also beyond the knowledge of the answering Respondent. As a result, no further detailed indications were made in the layout regarding the internal college facilities. Furthermore. it has been clarified by CPCB in its reply that colleges are not part of point H in the guidelines dated 07.01.2020. That the said guidelines only identifies Schools as sensitive locations and that term does not include colleges/ college.

4. That it is respectfully submitted that the allegation suggesting that the NGT Rules have been violated is incorrect and is categorically denied. It is further denied that the Administration issued the NOC in an illegal manner. It is respectfully submitted that answering Respondent, vide letter no. PDO/RO/Jagadhari dated 11.07.2020, applied for the issuance of an NOC, enclosing the requisite layout for the proposed project clearly depicting, the existence of Hindu Girls College. After following all due processes, including the scrutiny and examination of the submitted documents and compliance with applicable regulations, the NOC was duly

granted on 15.05.2023. This issuance was done in accordance with all statutory requirements and guidelines in place at the time. Therefore, the contention that the NOC was issued without due regard to the safety of the students of Hindu Girls College is completely unfounded and vehemently denied. That it is relevant to place on record that CPCB guidelines dated 7.1.2020 clearly mentions that in case of constraints in providing 50 mtrs distance, the retail outlet shall implement additional safety as prescribed by PESO. In no case, the distance between new Retail Outlet from school, hospitals (10 beds and above) and residential area designed as per local laws shall be less than 30 mtrs. Based on the aforesaid guidelines, PESO has issued a circular bearing no C.VIII(3)125/Circular/Petroleum dt 9.9.2024 whereby additional safety measures for setting up of new Retail Outlet within the radius of 30-50 mtrs of residential areas, school, hospitals (10 beds and above) have been prescribed. In view of the above, it is very clear that the Retail Outlets can be established even within 30-50 mtrs of radius of school, residential area and hospitals (10 beds & above) by taking additional safety measures as prescribed by PESO in line with CPCB circular. As such the proposed site in the instant case is meeting the norms and NOC granted by DM was in line with CPCB guidelines. The issuance of guidelines by this Hon'ble Tribunal is a matter of record and is, therefore, admitted. However, upon a careful reading of the relevant guidelines, it is clear that while the establishment of a retail outlet near a school is restricted, there is no such prohibition with regard to its proximity to a college or other educational institution.

5. That with regard to the averment related to this answering respondent, it is humbly submitted that respondent No. 6 vide CPCB office memorandum No. B-13011/1/2019-20/AQM/0814, dated January 07, 2020, has issued guidelines for setting up of new petrol pumps in compliance with the Honourable National Green Tribunal (NGT) order dated January 18, 2019 in the matter of OA No. 86/2019. The guidelines issued are based on the specific directions to prepare appropriate guidelines; for setting up new petrol pumps in the country and the guidelines; are to be got implemented by the State Government/ State Pollution Control Board (hereinafter referred as SPCBs)/ Pollution Control Committee.

That it is relevant to place on record that in line with aforesaid guidelines of CPCB. PESO has issued a circular bearing no C.VIII(3)125/Circular/Petroleum dt 9.9.2024 whereby additional safety measures for setting up of new Retail Outlet within the radius of 30-50 mtrs of residential areas, school, hospitals (10 beds and above) have been prescribed. In view of the above, it is very clear that the Retail Outlets can be established even within 30-50 mtrs of radius of school, residential area and hospitals (10 beds & above) by taking additional safety measures as prescribed by PESO in line with CPCB circular. As such the proposed site in the instant case is meeting the norms and NOC granted by DM was in line with CPCB guidelines.

6. It is respectfully submitted that, the Hon'ble Supreme Court order dated 14.03.2023 in Civil Appeal No. 421 of 2022 (Indian Oil Corporation Limited V/s V.B.R Menon & Ors [2023 SCC On Line SC 257]) has clearly stated that the guidelines issued by CPCB vide its Office Memorandum dated 07.01.2020 are to be strictly adhered. In compliance to the order of the Hon'ble Supreme Court, CPCB has also issued an Office Memorandum dated 16.06.2023 (copy of Office memorandum dated 16.06.23 is annexed as Annexure R7-6) vide which it has been directed - hat all the SPCBs in the States and PCCs in the Union Territories are required to ensure that CPCB guidelines are strictly adhered to.

It is also submitted that the applicant has deliberately misrepresented the facts and attempted to mislead this Hon'ble Tribunal by conflating the distinctions between a school and a college.

7. Therefore, the establishment of the retail outlet near the Hindu Girls College is in full compliance with the applicable regulations, and any suggestion to the contrary is baseless and vehemently denied. That, it is further submitted that as per the CPCB guidelines, new petrol pumps/ Retail Outlets (hereinafter referred as ROs) shall not be located within a radial distance of 50 m (from fill point/ dispensing unit/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per the local laws. It is also mandated that in case of constraints in complying with 50 m distance criteria, the petrol pump/ RO shall implement additional safety measures as prescribed by the Petroleum Explosive Safety Organization (hereinafter referred as PESO). The guideline further insists on a minimum 30 m distance criteria between the new petrol pump/ RO and schools/ hospitals/ residential areas designated by local laws.

8. It is submitted that the answering respondent has not shown any disregard for the law or the guidelines issued by the National Green Tribunal (NGT) and the Central Pollution Control Board (CPCB) as alleged. That the answering Respondent has strictly adhere to the guidelines of the Hon'ble Tribunal and CPCB

9. It is respectfully submitted that the initial drawing/layout submitted to the District Magistrate, Yamuna Nagar for obtaining the NOC clearly indicates the presence of land belonging to Hindu Girls College in the vicinity of the proposed site. However, the specific facilities within the college premises were neither accessible to the Respondent and hence the purpose of the buildings in the college premises were not known to the answering Respondent. Consequently, further detailed indications were not Provided in the layout. Additionally, the drawing/layout, which was duly approved by the District Magistrate, Yamuna Nagar, was prepared by an NHAI-approved consultant and is fully compliant with NHAI norms. This approved layout clearly identifies the presence of Hindu College, with the access point to the college marked as "Hindu College Gate." Therefore, it is submitted that there has

been no concealment or misrepresentation of facts in the drawings/layout submitted for the purpose of obtaining the NOC.

In view of the aforementioned facts, the allegation made by the applicant is conspicuously false and fabricated and does not support any action for the same. In circumstances, it just and necessary that this Hon'ble Tribunal may please to dismissed the application as may deem fit."

24. Vide order dated 06.11.2024 respondent no. 7 was permitted to file additional affidavit regarding the relevant circulars/guidelines regarding land requirement and safety measures for setting up of new petrol pump and respondents no. 1, 2 and 5 were permitted to file copies of map and other documents enclosed with the application submitted by respondent no. 7 to the District Magistrate, Yamuna Nagar.

25. Pursuant thereto additional affidavit dated 03.12.2024 was filed by respondent no. 7. The relevant part of additional affidavit is reproduced below:-

"ADDITIONAL AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.7

X

X

X

1. That the Respondent No.7 herein, is filing the present additional affidavit in pursuance to order dated 06.11.2024 of this Hon'ble Tribunal, wherein the Hon'ble Tribunal had directed the current respondent to file an additional affidavit regarding relevant circulars/guidelines regarding land requirement and safety measures for setting up new petrol pump.

2. That it is submitted that Respondent has internal guidelines for procurement of land for development of retail outlets for establishing petrol pumps, which state the minimum plot size requirements for different classes of markets.

That the Respondent had issued Policy Circular No. 143-01/2009 dated 21.01.2009 wherein the guidelines were stipulated. That an amendment to the Policy was made via The Policy Circular No. 176-09/2010 dated 17.09.2010 which listed revised guidelines for procurement of land for development of retail outlets for establishing petrol pumps and changed the firming up of Plot Size. It is pertinent to mention

SS

that vide this notification an Exception was introduced which allowed for smaller plots in accordance with guidelines issued by MoRTH for National Highways and other local laws. A copy of the Policy Circular No. 143-01/2009 dated 21.01.2009 is annexed herewith as **Annexure R7-7** (PAGE NO.7-33). A copy of the Policy Circular No. 176-09/2010 dated 17.09.2010 is annexed herewith as **Annexure R7-8**. (PAGE NO. 34)

3. It is submitted by the Answering Respondent that the advertisement of 2018 wherein the notice for appointment of regular/rural retail outlet dealerships for Haryana was published, wherein the plot size has been mentioned in the notification depicting location for Regular and Rural retail outlets in the State of Haryana at S No. 1427 as 20m x 20m. A copy of the newspaper advertisement for 'Notice for Appointment of Regular/Rural Retail Outlet Dealerships for Haryana' is annexed herewith as Annexure R7-9 (PAGE NO. 35). A copy of the notification depicting location for Regular and Rural retail outlets in the State of Haryana is annexed herewith as **Annexure R7-10** (PAGE NO.36-74) wherein S.No. 1427 depicts the subject petrol pump.

4. It is submitted by the Answering Respondent that vide notification No. RW/NH—33023/19/99-DO-III dated 24.07.2013 Ministry of Road Transport and Highways (MoRTH) issued guidelines/norms for access permission to fuel stations, private properties, rest area complexes and such other facilities along national highways. It is further submitted by the answering respondent that MoRTH issued another notification no. RW/NH-33032/01/2017-S&R(R) dated 26.06.2020, the Ministry of Road Transport and Highways (MoRTH) Issued guidelines/ norms for grant of permission for construction of access to fuel stations, wayside amenities, connecting roads, other properties, rest area complexes and such other facilities. That herein the MoRTH had issued the plot size for petrol pumps in respect to Rural areas, Urban Areas and Hilly and Mountain terrain. That this notification was amended again on 28.01.2021 by MoRTFI and relaxed minimum plot size to 20mx20m instead of 30mx30m for urban areas. Copy of the notification No. RW/NH — 33023/19/99-DO-III dated 24.07.2013 issued by the MoRTH is annexed herewith as **Annexure R7-11**(PAGE NO. 75-87). A copy of the notification RW/NH-33032/01/2017-S&R(R) dated 26.06.2020 and the amended notification dated 28.01.2024 issued by the MoRTH is annexed herewith as **Annexure R7-12** (Page No. 88-141) and **Annexure R7-13** (Page No. 142-143) respectively.

5. It is submitted by the answering respondent that the subject petrol pump is situated on National Highway and thus the subject petrol pump is supposed to be in conformity with the above mentioned notifications issued by MoRTH. That the subject petrol pump is in conformity with all the rules and regulations issued by MoRTH and in fact MoRTH has issued NOC for the same. A copy of the NOC dated 23.10.2021 issued by the MoRTH for the subject petrol pump is annexed herewith and annexed as **Annexure R7-14** (Page No. 144-146). A copy of the map approved by the NHAI for the subject petrol pump is

annexed herewith and annexed as **Annexure R-7-15** (Page NO. 147)

6. It is submitted by the answering Respondent that in regard to safety measures to establish a petrol pump the answering respondent is guided by the rules stated in Petroleum Rules, 2002. That the petrol pump is set up after submitting a drawing of the map to Petroleum Explosives and Safety Organization (PESO) which gives approval based on the present guidelines and notifications for safety. That the Petroleum Explosives and Safety Organization (PESO) strictly adheres to the Petroleum Rules 2002 for safety of the petrol pumps. A copy of the Petroleum Rules, 2002 is annexed herewith as **Annexure R7-16**. (Page No. 148-248). A copy of the Drawing submitted for the present petrol pump is annexed herewith as **Annexure R7-17**. (Page No. 249). A copy of the approval letter from PESO is annexed herewith and marked as **Annexure R7-18**. (Page No. 250-250)

7. It is submitted by the answering respondent that the Oil Industry Safety Directorate (OISD) has also issued guidelines for the installation of petrol pumps across the country. A copy of the notifications issued by the OISD is annexed herewith and marked as **Annexure R7-19**. (Page No. 253-294)

8. It is submitted by the answering Respondent that the present petrol pump is proposed on a land belonging to the Hindu Girls College (Respondent No. 3) who in turn had leased the same for the purpose of the establishment of the Petrol Pump. It is submitted that since the lease deed executed contains a clause permitting the establishment of petrol pump and the lease deed is registered document, therefore, it is clear that the Respondent No. 3 had no restrictions from any authority or legal documents to establish a petrol pump or to sub lease the land for a petrol pump. A copy of the Minutes of Meeting for leasing of the land for the purpose of petrol pump is annexed herewith as **annexure R7-20** (Page No. 295-300). A copy of the lease agreement for leasing the said land is annexed herewith as **Annexure R7-21** (Page No. 301-306).

9. In light of the above mentioned facts it is submitted by the answering Respondent that the Petrol Pump in question was in consonance with all the notifications and guidelines which were in effect and implemented till 2020."

26. Vide order dated 10.12.2024 CPCB was directed to file copies of all Minutes of Meeting of the Expert Committee and also copies of relevant documents/discussion as the case may be regarding inclusion of Schools and exclusion of Colleges in the siting criteria adopted for finalization of the guidelines dated 07.01.2020.

27. In compliance thereof response dated 14.01.2025 has been filed by Mr. Pankaj Agarwal, Scientist 'F' on behalf of CPCB. The relevant part of the response filed by CPCB is reproduced below:-

"RESPONSE ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD (CPCB) i.e. RESPONDENT NO. 6

1. That, Hon'ble NGT vide order dated 10.12.2024 (**Annexure - A**) has directed to file copies of all Minutes of Meeting of the Expert Committee and also copies of relevant documents/discussion as the case may be regarding inclusion of Schools and exclusion of Colleges in the siting criteria adopted for finalization of the guidelines dated 07.01.2020. Thereby this response is submitted for kind consideration of Hon'ble Tribunal.

2. It is humbly submitted that the issue of setting up of large number of petrol pumps without any environmental concern was considered by the Hon'ble NGT in OA No. 86 of 2019 titled as Gyanprakash @ Pappu Singh vs UoI & Others. Thereby, Hon'ble NGT directed the Ministry of Petroleum and Natural Gas and CPCB to review the matter and issue appropriate guidelines. Accordingly, the guidelines for setting up of new petrol pumps were framed under the guidance of the Expert Committee comprising of officials from MoPNG, NEERI, IIT-Kanpur, IIP-Dehradun, TERI & CPCB and were subsequently circulated on 07-01-2020 to concerned stakeholders for implementation.

3. That, the minutes of meeting held on 05.04.2019 and 01.10.2019 regarding finalisation of guidelines for siting of petrol pumps in compliance of Hon'ble NGT order dated 18.01.2019 in OA 86/2019 titled "Gyanprakash @ Pappu Singh vs. UoI & Ors ", as directed by the Hon'ble Tribunal is hereby annexed as **Annexure 'B'** for ready reference. The same indicates that schools have been considered as sensitive receptor by the Expert Committee and not colleges. It is further submitted that the *ibid* minutes of meeting has also been submitted before Hon'ble NGT in the instant matter vide report of Answering Respondent herein dated 02.02.2024. ."

28. Arguments were heard and Judgment was reserved vide order dated 18.02.2025 but while going through the material on record, this Tribunal noticed that prima facie notification was issued by MoRTH and policy circular and advertisement were issued by IOCL without taking into consideration order dated 18.01.2019 passed by this Tribunal in O.A. No. 86/2019 and also Guideline "H. Siting Criteria of Retail Outlets" of CPCB Guidelines dated 07.01.2020 and presence of MoRTH before this Tribunal was essential for just and proper adjudication of the substantial environmental questions involved

and ordered the matter to be relisted for further hearing. The relevant part of order dated 30.05.2025 reads as under: -

"6. The Deputy General Manager (Retail Sales), IOCL, Panipat Divisional Office, Panipat was impleaded as respondent no. 7 and replies/additional replies were filed by respondents no. 6 and 7. Original record was also produced by the District Magistrate, Yamuna Nagar which was returned while retaining photostat copy thereof. Arguments were heard and Judgment was again reserved vide order dated 18.02.2025.

7. While going through the material on record, we have noticed that as per order dated 18.01.2019 passed by this Tribunal in O.A. No. 86/2019 and guideline (H) siting criteria of retail outlet of CPCB Guidelines dated 07.01.2020 in case of siting criteria for petrol pumps new Retail Outlets shall not be located within a radial distance of 50 meters (from fill point/dispensing units/vent pipe whichever is nearest) from Schools, Hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new Retail outlet from schools, hospital (10 beds and above) and residential area designated as per local laws shall be less than 30 meters. No high tension line shall pass over the retail outlet.

8. We have also noticed that as per notification no. RW/NH/33032/0112017/S&R (R) dated 28.01.2021 Ministry of Road Transport and Highways (MoRTH) amended minimum plot size for establishment of new petrol pump as 20 m x 20 m instead of 30 m x 30 m for urban areas. IOCL also issued policy circular no. 176-09/2010 dated 17.09.2010 fixing plot size for establishment of new petrol pump as 20 m x 20 m for KSKs allowing smaller plots in accordance with guidelines issued by MoRTH. IOCL issued advertisement of 2018 mentioning the plot size as 20 m x 20 m for appointment of Retail Outlet Dealership for Haryana.

9. Prima facie, it appears that plot size of 20 m x 20 m for establishment of new petrol pump has been fixed by notification issued by MoRTH and policy circular and advertisement issued by IOCL without taking into consideration order dated 18.01.2019 passed by this Tribunal in O.A. No. 86/2019 and also Guideline "H. Siting Criteria of Retail Outlets" of Guidelines dated 07.01.2020 issued by CPCB which by necessary implication require minimum plot size of 30 m x 30 m and questions of the notification issued by MoRTH and policy circular and advertisement issued by IOCL being violative of the order dated 18.01.2019 passed by this Tribunal in O.A. No. 86/2019 and CPCB Guidelines dated 07.01.2020 arise in the present case.

10. In these facts and circumstances, presence of MoRTH and IOCL before this Tribunal is essential for just and proper adjudication of the substantial environmental questions involved in the case as the question of validity of notification/policy fixing the plot size of 20 m X 20 m issued by MoRTH and IOCL cannot be decided without granting

opportunity of being heard to them in compliance with the principles of natural justice.

11. IOCL is also represented before this Tribunal through its Deputy General Manager (Retail Sales) but MoRTH is required to be impleaded as respondent no. 8 in the present case.

12. Since, this aspect was not specifically referred, and arguments were not addressed in this regard, opportunity is also required to be given to the parties to make their submissions in this regard for compliance with principles of natural justice.

13. Consequently, the matter requires relisting for further hearing and the matter is accordingly relisted for further hearing.

14. MoRTH is impleaded as respondent no. 8. The Registry is directed to amend the memo of parties and to issue notice to newly added respondent no. 8 requiring it to file its response with respect to the aspects noticed herein above at least three days before the next date of hearing fixed with advance copies to the applicant and Counsels for other respondents."

29. Pursuant to notice reply dated 28.06.2025 has been filed by respondent no. 8-Ministry of Road, Transport and Highways (MoRTH). The relevant part of the reply is reproduced below:-

"REPLY ON BEHALF OF RESPONDENT NO.8/ MINISTRY OF ROAD TRANSPORT AND HIGHWAYS

X X X X

2. The brief factual background of the matter is as under:-

2.1 On 24.07.2013 (Annexure-R7/11, Pg.252-264), the Answering Respondent issued guidelines/norms for access permission to Fuel Stations, Private Properties, Rest Area Complexes and such other facilities along the National Highways. As per Clause 5.2 (Pg.259) of the said Guidelines, the minimum size of the plot for fuel stations in the urban stretches along the National Highways were 20 m x 20 m i.e. 20 m front and 20 m depth.

2.2 In the year 2019, Sh. Gyanprakash @ Pappu Singh filed an Original Application ("OA") bearing no.86/2019 titled as Gyanprakash @ Pappu Singh vs. Union of India & Ors. before the Hon'ble Tribunal seeking to limit the number of petrol pumps so as to avoid adverse impact on the environment.

2.3. On 18.01.2019, the Hon'ble Tribunal in the OA bearing no.86/2019 observed as under:

"We are of the view that the matter needs to be looked into by a Joint Committee of representatives of the Central Pollution Control Board and the Ministry of Petroleum. The CPCB will be the nodal agency. The first meeting of the Committee may be held within one month and on review of the subject matter, appropriate guidelines be issued by the Central Pollution Control Board, in exercise of its statutory power within three months thereafter. The Central Pollution Control Board may furnish an action taken report to the Tribunal by email at ngtfiling@gmail.com on or before 30th April 2019."

True copy of the Order dated 18.01.2019 passed by the Hon'ble Tribunal in OA bearing no.86/2019 is annexed herewith and marked as Annexure R-8/1.

2.4. Considering the direction in Order dated 18.01.2019 passed by the Hon'ble Tribunal, the Central Pollution Control Board ("CPCB") issued guidelines dated 07.01.2020 (Annexure P-2, Pg.44-52) for setting up of New Petrol Pumps. Clause H of the Guidelines issued by the CPCB is reproduced here under:

"H. Siting criteria of Retail outlets in case of siting criteria for petrol pumps new Retail outlets shall not be located within a radial distance of 50 meters (from all points/dispensing units/ vent pipe whichever is nearest) from school, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet from schools, hospitals) 10 beds and above) and residential area designated as per local laws shall be less than 30 meters. No high tension line shall pass over the retail outlet. These guidelines are supplementary to all existing relevant rules, guidelines orders etc."

2.5. On 26.06.2020 (Annexure-R7/12, Pg.265-318), the Answering Respondent issued the revised guidelines for access permission to Fuel Stations, Private Properties, Rest Area Complexes and such other facilities on the National Highways, exercising its powers under Sections 28 & 29 of The Control of National Highways (Land and Traffic) Act, 2002 and The Highway Administration Rules, 2004. Clause 4 of the revised guidelines is reproduced here under:

"4.0 Plot size for Fuel Station:

i. The minimum size and shape of the plot for fuel station should primarily be laid down by the Company/ Establishment concerned, for which they would need to consider suitable accommodation of all the facilities e.g. fuel pumps, offices, stores, compressor room, air pump and kiosks etc. The Highway Administration steps in primarily keeping in view that no hindrance is caused to the movement of vehicles of expected maximum dimensions. within the fuel station and in the access area. Sufficient space would need to be available to accommodate the number of fuel pumps to cater to the expected number of vehicles in peak time at this location so that the vehicles do not spill over to the access area. The air pump and kiosks for pollution control measurements be installed at some distance from the fuel pumps so that the vehicles requiring these services do not cause hindrance to the free movement of vehicles entering or exiting the fuel station.

ii. Keeping the above considerations in view, the minimum size of the plot for a fuel station along National Highways shall be as follow:-

Sr. NO.		Frontage (in meter)	Depth (in meter)
i	On Rural stretches in plain and rolling terrain	35	35
ii	On Urban stretches in plain and rolling terrain	30	30
iii	In hilly and mountainous terrain	20	20
Note: The proposed slot of new fuel stations should be such that the minimum frontage is achieved within the minimum total area			

as stipulated above.

iii. For fuel station being part of the rest area complex, the area required for other facilities such as parking, restaurant, rest rooms, toilets, kiosks for selling sundry items, bathing facilities, repair facilities, shops etc. would be extra but there would be a single access/ egress."

2.6 That in continuation to aforesaid guideline, the Answering Respondent vide letter no.RWNH-33032/01/2017-S&R(R) dated 28.01.2021 (Annexure-R7/13, Pg.319-320) issued amendment that for the retail outlets allotted by Petroleum companies, plots acquired by applicants in urban areas as per earlier guidelines (prior to 26.06.2020) i.e. of 20 m x 20 m, the NOCs may be granted as per revised guidelines dated 26.06.2020 with relaxation for plot size of 20mx20m (instead of desired plot size of 30mx30m). This amendment was issued based on large number of grievances/notices being received by MoRTH from applicants/the applicant companies, which stated to be facing problems in getting NOC due to implementation of Revised Guidelines / Norms dated 26.06.2020.

2.7. Thereafter, in the year 2023, the Applicant filed the present OA before the Hon'ble Tribunal. It is pertinent to note that the OA was filed seeking prayer for directing cancellation of the NoC, since the grant of permission by Indian Oil Corporation and grant of NoC by District Administration, Yamuna Nagar, Haryana for establishment of petrol pump in the premises of Hindu Girls College and Hindu Girls Schools, Jagadhri, District Yamuna Nagar, was given ignoring the byelaws, rules and regulations and safety of the children.

2.8. The OA was listed on 20.03.2024, 17.10.2024, 10.12.2024, 18.02.2025 and the judgment was reserved by the Hon'ble Tribunal.

2.9 On 30.05.2025, the OA was listed in which the Hon'ble Tribunal impleaded the Answering Respondent as Respondent No.8. True copy of order dated 30.05.2025 passed by the Hon'ble Tribunal is annexed herewith and marked as Annexure R-8/2.

3. It is evident from the aforesaid factual background that the basis for impleading the Answering Respondent as a party in the present proceedings is that the Amendment dated 28.01.2021 by the Answering Respondent is in violation of the Order dated 18.01.2019 passed by this Hon'ble Tribunal in OA bearing no.86/2019 and the guidelines dated 07.01.2020 issued by the CPCB.

4. In this regard, the Answering Respondent submits as under-

4.1 A perusal of the Order dated 18.01.2019 passed by this Hon'ble Tribunal makes it clear that there was no direction regarding the reduction of the plot size for granting permission for construction of fuel stations, and as such there is no violation of the Order dated 18.01.2019 by the Answering Respondent.

4.2 Reference is also made to Clause H (Siting Criteria of Retail outlets) of the CPCB guidelines dated 07.01.2020 which merely specifies the radial distance of the new retail outlets from School, Hospitals (10 beds and above) and residential areas designated as per local laws, and no such guidelines is there regarding the plot size of retail outlets.

4.3. It is pertinent to state that the Answering Respondent has issued the amendment dated 28.01.2021 for reducing the plot size from 30 m x 30 m to 20 m x 20 m in view of receipt of various grievances raised by the applicants/applicant companies who were facing problems in getting NOC due to the implementation of the guidelines dated 26.06.2020.

4.4. It is further submitted that during setting up of a Fuel Station, the concerned applicant/Fuel Station agency has to take NOC's from all concerned departments and the Answering Respondent/MoRTH, and has to comply to guidelines/norms stated in above mentioned guidelines and subsequent amendments w.r.t Access from National Highway only. However as far as criteria/norms of various departments are concerned, the same shall be dealt with by concerned department accordingly before issuing NOC or energizing the fuel station. This implies that the applicant has to parallelly fulfil criteria pertaining to all departments based on which the fuel station can be energized, and the same is decided by relevant/concerned department of State Government/Local body. Accordingly, the minimum criteria set forth by concerned department shall prevail in order to issue NOC. Further, the Provisional Access Permission granted to Retail Outlet in question stands cancelled w.e.f. 20.07.2024 since the extension of time granted upto 19.07.2024 for obtaining final permission from Highway Administration has lapsed. True copy of letter dated 08.08.2023 is annexed herewith and marked as Annexure R-8/3.

4.5 It is further submitted that the Answering Respondent in its previous guideline dated 26.06.2020 categorically stated that the minimum size and shape of the plot for fuel station should primarily be laid down by the Company/ Establishment concerned. The Answering Respondent only steps in primarily keeping in view that no hindrance is caused to the movement of vehicles of expected maximum dimensions, within the fuel station and in the access area. Thus, the role of the Answering Respondent is very limited to the same.

4.6. It is submitted that the OA. 408/2023 was filed by the Applicant regarding violation of the siting criteria by the fuel station located near the premises of the Hindu Girls School, Jagadhri, District Yamuna Nagar by ignoring the bylaws, rules, regulation, orders of NGT and CPCB guidelines. While going through the record, the Hon'ble Tribunal has observed that Ministry's guidelines of access permission issued vide letter No.RW/NH/33032/011/2017/S&R (R) dated 28.01.2021 which amended the minimum plot size for establishment of new fuel station as 20 x 20 m instead of 30m x 30m is without taking into consideration the order passed by the NGT dated 18.01.2019 in OA No. 86/2019. In this regard, it is stated that the Answering Respondent was not a party in the OA 86/2019.

4.7. It is further clarified that the Answering Respondent vide letter no.RW/NH-3302/01/2017-S&R(R) dated 26.06.2020 issued revised guidelines/norms for grant of permission for construction of access to fuel stations, way side amenities, connecting roads, other properties, Rest Area Complexes and such other facilities.

i. As per revised guidelines dated 26.06.2020, minimum plot size of 30m x 30m was mandated for new fuel stations abutting the NHs in urban stretches.

ii. The Answering Respondent vide letter no. RW/NH 33032/01/2017-S&R (R) dated 28.01.2021 issued amendments to the guideline dated 26.06.2020. As per this amendment, for the applications of access permissions submitted on online portal of MoRTH for the retail outlets allotted by Petroleum companies, plots acquired by applicants in urban areas (i.e. 20 m x 20 m) as per earlier guideline dated 24.07.2013, the NOCs may be granted as per revised guideline dated 26.06.2020 with relaxation in plot size, as 20 m x 20 m instead of desired plot size of 30 m x 30 m.

4.8. It is further clarified that the above temporary relief was granted to the applications submitted prior to 26.06.2020 only, and that all the new applications are being processed by considering the minimum plot size of 30m x30 m for urban stretches without deviations.

4.9. Moreover, the issue in the present OA being filed by the Applicant is related to the NOC's issued by various departments. There is no dispute or any averment regarding the reduction of the plot size by the Answering Respondent.

4.10 It is submitted that the Answering Respondent is an apex organisation under the Central Government entrusted with the task of formulating and administering policies for road transport, national highways and transport research in consultation with other Central Ministries/Departments, State Governments/Union Territory Governments, organizations and individuals. The Answering Respondent has the highest regard for this Hon'ble Tribunal and thus, the Answering Respondent would not violate any order(s) passed by this Hon'ble Tribunal.

5 Thus, in the light of the aforesaid submissions, the Answering Respondent has not violated the Order dated 18.01.2019 and the guidelines issued by the CPCB dated 07.01.2020. The Answering Respondent most humbly prays that the present OA be dismissed in favour of the Answering Respondent.

6. The Answering Respondent further reserves its right to file additional reply/objection, if required, with the permission of the Hon'ble Tribunal.

30. We have heard the submissions made by Mr. Harvinder Singh- the applicant and Mr. Rahul Khurana, learned Counsel for respondents no. 1-State of Haryana, 2-District Magistrate, Yamuna Nagar and 5-HSPCB, Mr. Robin Dutta, learned Counsel for respondent no. 4, Mr. Rajkumar, learned Counsel for respondent no. 6-CPCB, Mr. Manish Sharma, Mr. Divye Chugh and Mr. Rachit Raushan, learned Counsels for respondent no. 7-Dy. G.M. (Retail Sales), IOCL and Mrs. Madhu Sweta (through VC) and Mr. Yash Kapoor, learned Counsels for respondent no. 8-MoRTH and we have gone through the material on record carefully.

31. The questions which first arise for adjudication in the present case are as to whether the applicant has no locus standi to file the present application and whether the application has been filed mala-fide to settle personal score.

32. Learned Counsels for respondent no. 4 and learned Counsels for respondents no. 7 have challenged the credentials and bona fides of the

applicant and argued that the Hon'ble Supreme Court of India has in many cases indicated that person filing the complaint should exhibit his/her locus standi bonafides for the reliefs of cancellation of NOC etc. sought by him. The applicant has no locus standi and has file the application with ulterior motive just to harass respondent no. 4 to settle his personal score and to delay the setting up of the petrol pump which is a project of public utility. The jurisdiction of this Tribunal may not be allowed to be misused by such interested litigant for his ulterior motives and the application being malafide may be dismissed on this ground.

33. On the other hand, the applicant has argued that the applicant has filed present application bonafide raising substantial questions relating to environment pointing out serious violations of the CPCB Guidelines dated 07.01.2020 in Public Interest.

34. In the present case the respondents have not produced any material to show any previous enmity of the applicant with respondent no. 4 or any ill will or malice on his part towards respondent no. 4 or any previous instance of misuse of public interest litigation by the applicant for personal interest. In the absence of any such material the applicant must be considered to be a public spirited person acting with the motive of protection and improvement of environment and to have raised substantial environmental questions regarding violations of orders passed by this Tribunal and CPCB Guidelines dated 07.01.2020 in public interest. This Tribunal cannot lose sight of the fact that right to life includes within its sweep right to clean and healthy environment which cannot be denied and has to be protected and implemented in the fullest measure by all the instrumentalities of the State as well as the Project Proponents. In these facts and circumstances, the applicant must be considered to have locus standi and cause of action to file

the present application in public interest for protection of environment and the bonafides of the applicant cannot be doubted.

35. Even otherwise, this Tribunal is empowered under the provisions of the NGT Act, 2010 to take cognizance of questions relating to environment arising out of implementation of the enactments specified in Schedule I to the NGT Act, 2010 suo motu as held by Hon'ble Supreme Court in **Municipal Corporation of Greater Mumbai v. Ankita Sinha (2021) SCC Online SC 897: Law Finder Doc Id # 1890858: 2021 AIR (Supreme Court) 5147** and in view thereof this Tribunal can adjudicate upon the questions involved in the present application regarding compliance with the orders passed by this Tribunal and CPCB Guidelines dated 07.01.2020.

36. The Applicant has argued that NOC dated 15.05.2023 for the proposed retail outlet at the location between Jagadhri bus stand to Agrasen Chowk, Jagadhri, District Yamuna Nagar, Haryana has been granted in violation of orders passed by this Tribunal and CPCB Guidelines dated 07.01.2020 endangering the safety of children at the nearby Hindu Girls College and School, Jagadhri.

37. On the other hand learned Counsels for respondents no. 4 and 7 have argued that the allegations raised by the Applicant regarding the alleged improper issuance of NOC for the establishment of a retail outlet near Hindu Girls College Jagadhri, District Yamuna Nagar in violation of orders passed by this Tribunal and CPCB Guidelines dated 07.01.2020 endangering the safety of children at the nearby Hindu Girls College and School, Jagadhri are without any basis or merit. Respondent No 7 has adhered to all applicable laws, rules, regulations and guidelines in obtaining the NOC.

38. While dealing with the issue of limiting the number of petrol pumps so as to avoid adverse impact on the environment in **O.A. No. 86 of 2019**

Gyanprakash @ Pappu Singh vs. Union of India & Ors., this Tribunal vide order dated 18.01.2019 directed the Ministry of Petroleum and Natural Gas and CPCB to review the matter and issue appropriate guidelines. The relevant part of the order reads as under:-

"We are of the view that the matter needs to be looked into by a Joint Committee of representatives of the Central Pollution Control Board and the Ministry of Petroleum. The CPCB will be the nodal agency. The first meeting of the Committee may be held within one month and on review of the subject matter, appropriate guidelines be issued by the Central Pollution Control Board, in exercise of its statutory power within three months thereafter. The Central Pollution Control Board may furnish an action taken report to the Tribunal by email at ngt.filing@gmail.com on or before 30th April 2019."

39. This Tribunal vide order dated 22.07.2019 in **O.A. No. 31/2019 K. Sathyadevan Vs. Union of India & Ors.** and **O.A. No. 86/2019 Gyanprakash @ Pappu Singh vs. Union of India & Ors.**, directed that a safe distance from a residential area must be maintained for any new petrol pump/filling station sought to be set up. The relevant part of the order reads as under:-

"11..... We may also add that a safe distance from the residential areas must be maintained for any new outlet to be set up which may also be specified within one month, keeping in view the health and safety of the inhabitants."

40. In compliance with directions given by this Tribunal vide order dated 18.01.2019 passed in **O.A. No. 86/2019 titled as Gyanprakash@Pappu Singh Vs. UoI & Ors.** guidelines dated 07.01.2020 were framed under the guidance of an Expert Committee comprising of Members from IIT Kanpur, NEERI, IIP, TERI, MoP&NG and CPCB (constituted to frame Guidelines for setting up of new Petrol Pumps including siting criteria and pollution

prevention and control measures). The guidelines were placed in public domain and comments/suggestions/objections were invited from public and concerned stakeholders which were reviewed and guidelines were finalized and circulated by CPCB vide its Office Memorandum bearing No. 13011/1/2019-20/AQM dated 07.01.2020 for implementation by concerned stakeholders.

41. The CPCB Guidelines were clarified by OM No. B- 13011/1/2020-21/AQM dated 29.01.2021 to state that the CPCB Guidelines would apply to all petrol pumps where construction had not commenced before 07.01.2020.

42. Clause H of the Guidelines issued by the CPCB, which lays down Siting criteria for Retail Outlets, is reproduced hereunder:-

"H. Siting criteria of Retail Outlets:-

*In case of siting criteria for petrol pumps new Retail outlets shall not be located within a radial distance of 50 meters (from all points/dispensing units/ vent pipe whichever is nearest) from school, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in proving 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet from **schools, hospitals (10 beds and above) and residential area designated as per local laws** shall be less than 30 meters. No high tension line shall pass over the retail outlet. These guidelines are supplementary to all existing relevant rules, guidelines orders etc."*

(Emphasis added)

43. As per the above-quoted guidelines any new petrol pump/retail outlet has to satisfy the following conditions to meet the Siting Criteria:-

(i) New petrol pump/Retail Outlet has to be located beyond a radial distance of 50 m (from fill point/ dispensing unit/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per the local laws;

or

In case of constraints in complying with 50 m distance criteria, (a) the petrol pump/ Retail Outlet has to implement additional safety measures as prescribed by PESO and (b) the distance between new Retail outlet from schools, hospital (10 beds and above) and residential area designated as per local laws shall not be less than 30 meters;

and

(ii) No high tension line shall pass over the retail outlet.

44. This Tribunal vide its orders dated 23.07.2020 and 09.10.2020, in **O.A. No. 61 of 2019 (CZ) Suresh Madaloi vs. State of M.P. & Ors.**, directed the MoEF & CC and the CPCB to submit a report with regard to the minimum distance of petrol pumps from water bodies.

45. Subsequently, the CBCB Guidelines dated 07.01.2020 were revised by OM No. B-13011/1/2019-20/AQM dated 16.08.2021 to include the following:-

“ All the surface water bodies irrespective of utility shall be protected from any possible contamination. These include lakes, ponds, streams, rivers, wetlands, canals and creeks, as per revenue records. Retail Outlets shall not be located within a distance of 50 meters from the nearest point of water bodies. In case of streams and rivers, the distance shall be considered from floodway. In case floodway is not defined, the distance shall be considered from firm banks / edge of river The siting criterion is to be implemented for all new petrol pumps where construction by OMCs start post the issuance of these guidelines.”

46. It follows that **generally** new petrol pumps/ Retail Outlets can be located beyond a radial distance of 50 m (from fill point/ dispensing unit/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per the local laws and only **exceptionally** in case of constraints in complying with 50 m distance criteria, new petrol pumps/ Retail Outlets can be located at the distance of not less than 30

meters from schools, hospital (10 beds and above) and residential area designated as per local laws on implementation of additional safety measures as prescribed by the PESO.

47. It follows that for **permitting location of new petrol pumps/Retail Outlets at the distance of 30 meters** from schools, hospital (10 beds and above) and residential area designated as per local laws **the constraints in complying with 50m criteria and the additional safety measures implemented by the new petrol pumps/Retail Outlets** have to be specifically mentioned.

48. It may be observed here that the abovesaid siting criteria prescribed by Clause H of the Guidelines dated 07.01.2020 issued by the CPCB do not apply to new petrol pumps/Retail Outlets **which are not located near schools, hospitals (10 beds and above) and residential area designated as per local laws.**

49. There seems to be no ambiguity or dispute regarding the expressions **“hospitals (10 beds and above)”** and **“residential area designated as per local laws”**.

50. However, it may be observed here that the use of expression **“residential area designated as per local laws”** will apply to both urban and rural areas and is not confined to urban areas only and will also extend to individual residences in designated residential area.

51. However, in the present case dispute has been raised regarding interpretation/scope of the expression **“schools”** and the question which arises in the present case is as to whether the expression **“schools”** includes/extends to **“colleges”**.

52. The applicant has submitted that in the present case, the Hindu Girls College and School Management and respondent no. 4-Pushpesh Passi have not complied with the orders passed by this Tribunal and CPCB Guidelines dated 07.01.2020. The distance between petrol pump and college is only 5-10 meters as the land (where petrol pump is proposed to be set up) is situated in the premises of college and beside the land for petrol pump there is auditorium of college which can hold 1500 students at a time. The hostel of the college is also situated adjacent to the land in question. If the petrol pump is set up in the land in question the life of the students will not be safe.

53. Learned Counsels for respondents no. 4 and 7 have argued that there are material differences in schools and colleges which have mutually exclusive definitions in statutory enactments governing them and in view thereof the expression "Schools" does not and cannot be interpreted to include "Colleges". In support of their submissions learned Counsels for respondents no. 4 and 7 have referred to definition of "School" in Section 2(r) of the Haryana School Education Act, 1995 and definition of "College" in section 12A(1)(b) of the University Grant Commission Act, 1956 which are reproduced below:-

Section 2(r) of the Haryana School Education Act, 1995

"Section 2(r):- "School" includes a primary, middle, high or senior secondary school and also includes any other institution which imparts education or training below degree level, but does not include an institution, which imparts technical education:"

Section 12A(1)(b) of the University Grant Commission Act, 1956

"Section 12A(1)(b):- "College" means any institution whether known as such or by any other name, which provides for a course of study for obtaining any qualification from a University and which, in accordance with rules and regulations of such university, is recognized as competent to provide for such course of study and present students under going such course of study for the examination for the award of such qualification:"

54. Learned Counsels for respondents no. 4 and 7 have further argued that CPCB Guidelines dated 07.01.2020 bar setting up of new petrol pumps/retail outlets within 30-50 meters of radius of school, hospitals (10 beds & above) and residential area but CPCB Guidelines dated 07.01.2020 do not apply to new petrol pumps/retail outlets being established in the vicinity of college. As such the proposed site in the instant case is meeting the norms and NOC granted by District Magistrate, Yamuna Nagar is not violative of orders passed by this Tribunal and CPCB Guidelines dated 07.01.2020. Therefore, the original application may be dismissed with costs.

55. Learned Counsel for CPCB has argued that the CPCB Guidelines dated 07.01.2020 identify "**Schools**" and not "**Colleges**" as sensitive locations and CPCB has clarified in its reply that the term "**Schools**" does not include "**Colleges**" and colleges are not included in para H thereof.

56. However, learned Counsel for CPCB and has submitted that CPCB will abide by the directions of this Tribunal.

57. Learned Counsel for respondents no. 1, 2 and 5 has reiterated the submission made by learned Counsels for respondents no. 4, 6 and 7 while adding that above respondents will abide by the orders as may be passed by this Tribunal.

58. Learned Counsel for respondent no. 8 has submitted that respondent no. 8 not being a party has not violated directions issued by this Tribunal as mentioned in its reply.

59. In order to appreciate and adjudicate upon the environmental issue as to applicability of CPCB Guidelines dated 07.01.2020 raised in the present case, this Tribunal, vide order dated 10.12.2024 directed CPCB to file copies of the Minutes of Meeting of the Expert Committee and also copies of relevant

documents/discussion, as the case may be, regarding inclusion of Schools and exclusion of Colleges in the siting criteria adopted at the time of finalization of the CPCB Guidelines dated 07.01.2020.

60. In compliance thereof copies of the minutes of meetings held on 05.04.2019 and 01.10.2019 regarding finalization of CPCB Guidelines dated 07.01.2020 prescribing the siting criteria for setting up of new petrol pumps/retail outlets have been filed by CPCB. The relevant parts of the minutes of meetings held on 05.04.2019 and 01.10.2019 are reproduced below:-

(i) Minutes of Meeting dated 05.04.2019

“Minutes of the meeting held on 05.04.2019 at CPCB, in compliance of the Hon’ble NGT order dated 18.1.2019 in OA No. 86/2019: Gyanprakash @ Pappu Singh vs UoI & Ors,

Sh. V.K. Shukla, Scientist ‘E’, AQM Division, CPCB welcomed the Member Secretary, CPCB and the Committee members and briefed about the orders passed by the Hon’ble NGT on 18.01.2019 for preparation of siting and other necessary guidelines in reference to the OA No. 86 of 2019 filed on the issue of setting up of 80,000 petrol pumps in the country. The list of participants is annexed.

Sh. V.K. Shukla further informed that first meeting in the matter was convened between CPCB and MoPNG on 08.02.2019 wherein MoPNG was requested to share detailed information about the proposed petrol pumps and guidelines followed for setting up of petrol pumps including siting criteria and information on clearances obtained from different departments. However, the information is still not received. During the said meeting, it was also decided that a Committee comprising of officials from MoPNG and CPCB, and, experts from NEERI, IIT, Indian Institute of Petroleum, Dehradun and TERI may be constituted for suggesting necessary guidelines and accordingly the present committee has been constituted. The minutes of the said meeting were circulated to the committee members.

Member Secretary, CPCB expressed that the main objective of convening this meeting is to finalize the various environment related issues that needs to be addressed under the proposed guidelines to be finalized by the said Committee.

Committee members discussed the various issues related to environment protection and suggested following aspects should be considered while framing the draft guidelines:

A. Siting of petrol pumps

1. *Siting criteria for petrol pumps to be setup in urban, rural areas and on highways considering population and land use pattern.*
2. *Siting distance from sensitive locations such as schools, hospitals, play grounds and electric substations etc. should be prescribed.*

B. Measures for air and ground water protection

1. *Containment and treatment of spillages from fuel filling operations at petrol pumps.*
2. *Check on leakages (Leakage Detection System) from underground storage tanks so as to prevent groundwater contamination. Treatment and disposal of sludge removed from underground tanks during cleaning.*
3. *Protocol for proper operation and maintenance of Vapor Recovery System, and, to monitor performance and check efficiency of Vapor Recovery System.*
4. *Requirement of additional pollution control systems (air purification systems) needed to be installed for control of VOCs at petrol pumps located in areas having high population density in order to minimize exposure, if any.*
5. *Monitoring mechanism (procedure, parameters and frequency) to check air and ground water quality in and around petrol pump depending upon location of petrol pump (Urban, Rural and Highways).*

C. Measures for protection of worker's health

Member Secretary, CPCB expressed that MoPNG being the concerned parent ministry may come out with draft guidelines in association with oil marketing companies. International practices being followed in this regard may be referred. The draft guidelines so prepared may be subsequently discussed, reviewed and finalized by this committee. It was agreed that draft guidelines to be prepared in two weeks and these be discussed by the Committee in the next meeting scheduled on April 22, 2019.

Meeting ended with thanks to chair."

(ii) Minutes of Meeting dated 01.10.2019

"Minutes of Expert Committee meeting dated 1.10.2019 on siting guidelines for petrol pumps

Comments received from stakeholders on the guidelines were discussed with the Committee and following decisions were taken:

1. ***Groundwater level data available on CGWA website may be limited to a specified area around the monitoring station and that there may be variation in water table within different areas around the monitoring station, hence, requirement of checking online data may be removed.*** *Expert Committee agreed with the suggestion received and decided that it shall be the responsibility of OMC to properly*

get measured groundwater level at the site of proposed petrol pump and ensure implementation of adequate protection measures as per guidelines for the sites with groundwater levels less than 04 meters. In case, any deviation is observed in the data reported by OMC, action as per law may be initiated against the OMC.

2. **Ancillary components of storage tanks made of HDPE which is corrosion free may also be permitted in addition to the materials confirming to IS with corrosion protection coatings.** Expert Committee decided that materials approved by PESO shall be considered and that this shall be applicable for underground as well as above ground storage tanks.

3. **In case of leakage/ spillage of lube oil/ fuel in quantity more than 01 barrel, operation of concerned underground storage tank may be stopped instead of the entire petrol pump.** Expert Committee decided that since the release from specific source i.e. tank is required to be controlled; operation of that tank and ancillary components shall be stopped and be not resumed till corrective measures are implemented to the satisfaction of PESO and SPCB. All such incidences be reported to SPCB, PESO, DM within 24 hours of occurrence under intimation to CPCB. Further, EC decided that experience requirement of consultants/ expert agency to be appointed by OMCs for damage assessment due to leakage and its remediation may be reduced to 05 years from 07 years proposed earlier, considering that there may be a limited number of consultants available with an experience of 07 years in this field.

4. **Single plane swivel with breakaway couplings installation at dispensing units may also be permitted as alternative to two plane swivel.** Expert Committee agreed with the suggestion and decided that Single/ double plane swivel with breakaway coupling shall be installed for all the dispensing units for better positioning of nozzle while refuelling so that it does not fall off accidentally.

5. **Automation system approved by EPA shall be allowed to be used for leak detection.** Expert Committee discussed that since PESO is the regulatory authority, automation system to be installed for providing alert on tank leak shall have PESO approved auto gauging system.

6. **Increase the frequency of testing of tank and pipeline leaks from 05 years to 10 years or testing to be done only in cases where the compromise in integrity of the internal monitoring system is observed.** Expert Committee decided that leak tests are needed as preventive measure for protection of environment; however the frequency of testing may be revised to 07 years instead of 05 years considering high design life of these components and very few cases reported in the past with such faults.

7. **VRS installation at petrol pumps to be done within 03 months of achievement of monthly average sale of 100 KL or 300 KL instead of installation by the time petrol pump touches the MS sale of 100 KL or 300 KL.** MoPNG expressed that it is very difficult to procure and install VRS for petrol pumps touching MS sale of 100 since this quantum of sale can be easily achieved by petrol pumps and therefore limited time is available for procurement and installation of VRS. Expert

75

Committee deliberated the issue and decided that time period of 03 months can be given for installation of VRS in case of petrol pumps with sale potential of 100 KL however in case of petrol pumps with sale potential of 300 KL MS per month, VRS shall be made functional by the time of sale of MS touch 300 KL. In case of failure of installation of VRS, Environment Compensation will be levied equivalent to the cost of VRS and this will further increase proportionate to the period of non-compliance.

8. Stage II VRS nozzle shall be provided with flexible cover flap or other alternate system for proper covering, of filling tank and therefore proper recovery of vapors.

9. **Whether, TWA or STEL standards to be considered for Work zone monitoring for Total VOCs.** Expert Committee discussed the matter and decided that TWA standards be applicable being more stringent than STEL standards.

10. Standards for parameters to be analysed during groundwater monitoring be prescribed.

11. In case of siting criteria for petrol pumps new Retail Outlets shall not be located within a radial distance of 50 meters (from fill point/ dispensing units/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per local laws. In case of constraints in providing 50 meters distance, the retail outlet shall implement additional safety measures as prescribed by PESO. In no case the distance between new retail outlet from schools and hospitals (10 beds and above) and residential area shall be less than 30 meters designated as per local laws. No high tension line shall pass over the retail outlet."

61. We have gone through the minutes of the meeting of the Expert Committee and we do not find any reference regarding non-inclusion /exclusion of colleges and any reasons for the same. It is evident from a bare perusal of the above-quoted Minutes of Meeting that the Expert Committee did not discuss the matter of inclusion of "schools" only in the Guidelines and exclusion of "colleges" from the same with or without assignment of any reasons for such exclusion and did not use the expression "schools" with any qualifying word or with reference to any particular enactment. Consequently, definition of "school" in Section 2 (r) of the Haryana School Education Act, 1995 and definition of "college" in Section 12A(1)(b) of the University Grant Commission Act, 1956 are not applicable and conclusive thereof. **Therefore, the expression "schools" has to be read/interpreted in accordance with the principles governing interpretation of statutes/contracts/documents.**

62. As per literal rule of interpretation the expression "schools" has to be given the ordinary meaning assigned to the same. In Chambers 21st Century Dictionary (2000 Reprint) meaning of "School" is mentioned at page no. 1256 as "1 A place or institution where education is received especially primary and secondary education. 2... A place or institution offering instruction in a particular field or subject, often part of a university". In Webster Comprehensive Dictionary International Edition Volume Two meaning of "School" is mentioned at page 1126 as "1 An educational institution ... 5 A subdivision of a university devoted to a special branch of higher education: A school of education, medicine etc...". In Oxford Dictionary of English Third Edition meaning of "School" is mentioned at page 1592 as "1 An institution for educating children... 2 Any institution at which instruction is given in a particular discipline: a dancing school".

63. It is evident therefrom that the expression "School" is not exclusively confined to educational institutions for primary, secondary and senior secondary education and is more often than not used for educational institution giving higher education under university. Reference in this regard may be made to some educational institutions which are imparting higher education under university but are named as Schools i.e., (i) Delhi School of Economics, (ii) OP Jindal Global School of Law, (iii) National School of Drama, (iv) School of Open Learning, Delhi University (v) University School of Law and Legal Studies, Guru Gobind Singh Indraprastha University and we do not want to multiply reference to such institutions any further.

64. Keeping in mind the background and object of framing of the CPCB Guidelines dated 07.01.2020 the expression "School" cannot be read within confines of its narrow meaning and has to be given wider interpretation of being an educational institution so as to include "college".

65. The reason/justification assigned by respondent no. 4 for exclusion of colleges from applicability of CPCB Guidelines dated 07.01.2020 on the ground of age of students being above 18 years of age and their ability to save themselves due to being adults does not appear to us to be sound. The object of prescription of 50mx50m or 30mx30m siting criteria is to locate new Petrol Pump/Retail Outlet at safe distance from schools, which are considered to be sensitive location in view of presence of large number of students, teachers, non-teaching staff members, so that any accidental fire/explosion taking place there does not endanger the safety/lives of students, teachers, non-teaching staff members. The reason/justification for considering schools to be sensitive locations will be equally applicable to colleges also in view of presence of large number of students, teachers, non-teaching staff members any danger to whose safety/lives has to be weighed with the same scale and different scale cannot be applied to them on the ground of being above 18 years of age and their ability to save themselves due to being adults as highlighted by respondent no.4-Pushpesh Passi. As sensitivity of the location is considered not **with respect to age of occupants and their related ability to save themselves** but with respect to sensitivity of the place due to potential danger to safety/lives of large number of persons minor or major, exclusion of colleges on the ground of age of occupants and their related ability to save themselves will be absurd. In order to suppress/redress the intended mischief and to achieve the patent object of the CPCB Guidelines 07.01.2020, wider meaning of the expression "schools" has to be preferred to the narrow meaning thereof so as to include "colleges".

66. It may be observed here that in Government of Uttarakhand Housing Section-2 notification No.V-2/21/11 (L.U.C.)/2003 T.C. Dehradun dated 05.10.2021 **College** has also been included with **School** and said notification mandates minimum distance of 50 m from residential area/building,

school/college, hospital which could be 30 m if the safety standards prescribed by PESO are complied with. Government of Uttarakhand has equated colleges with schools for compliance with the siting criteria for new petrol pumps/retail outlets.

67. We accordingly hold that the expression "schools" in para H of CPCB Guidelines dated 07.01.2020 includes "colleges".

68. Hon'ble Supreme Court vide order dated 14.03.2023 passed in Civil Appeal No. 421 of 2022 Indian Oil Corporation Limited V/s V.B.R Menon & Ors [2023 SCC On Line SC 257] emphasized that CPCB Guidelines dated 07.01.2020 are to be strictly adhered to.

69. In compliance to the order of the Hon'ble Supreme Court, CPCB has also issued Office Memorandum dated 16.06.2023 directing all the SPCBs in the States and PCCs in the Union Territories to ensure that CPCB Guidelines dated 07.01.2020 are strictly adhered to.

70. Respondent no.7 had issued Policy Circular No. 143-01/2009 dated 21.01.2009 which was amended by Policy Circular No. 176-09/2010 dated 17.09.2010 whereby minimum plot size for establishment of new petrol pump was fixed as 20 m x 20 m.

71. MoRTH issued guidelines/ norms for grant of permission for construction of access to fuel stations, wayside amenities, connecting roads, other properties, rest area complexes and such other facilities vide notification No. RW/NH—33023/19/99-DO-III dated 24.07.2013. MoRTH issued another notification no. RW/NH-33032/01/2017-S&R(R) dated 26.06.2020 mentioning the plot size for petrol pumps in respect to Rural areas, Urban Areas and Hilly and Mountain terrain as 35mX35m, 30mX30m and 20mX20m respectively. Notification no. RW/NH-33032/01/2017-S&R(R)

dated 26.06.2020 was amended by MoRTH on 28.01.2021 to relax minimum plot size to be 20mx20m as clarified by respondent no. 8 in its reply.

72. Question arises is as to whether notification issued by MoRTH and policy circular issued by IOCL prescribing minimum plot size of 20mx20m for location of new Petrol Pump/Retail Outlet is violative of order dated 18.01.2019 passed by this Tribunal in O.A. No. 86/2019 and CPCB Guidelines dated 07.01.2020.

73. It may be observed here that CPCB Guidelines dated 07.01.2020 apply to new Petrol Pump/Retail Outlet construction of which was started after 07.01.2020 and after 07.01.2020 new petrol pump/retail outlet in the vicinity of Schools, Hospitals (10 beds and above) and residential areas designated by local laws have to satisfy the land requirement of 50mX50m or 30mX30m in case of constraints in arranging plot measuring 50mX50m and implementation of additional safety measures. CPCB Guidelines dated 07.01.2020 do not make any distinction in Rural and Urban areas and Hilly and Mountain terrain and apply with equal force to the same. The notification issued by MoRTH and policy circulars issued by IOCL have to comply with the same and therefore notification issued by MoRTH and policy circular issued by IOCL have to be amended with respect to their applicability with effect from 07.01.2020.

74. Notification issued by MoRTH and circular issued by IOCL after 07.01.2020 have to clearly mention that generally new petrol pumps/Retail Outlets can be located beyond a radial distance of 50 m (from fill point/ dispensing unit/ vent pipe whichever is nearest) from schools, hospitals (10 beds and above) and residential areas designated as per the local laws and only exceptionally in case of constraints in complying with 50 m distance criteria, new petrol pumps/ Retail Outlets can be located at the distance of

not less than 30 meters from schools, hospital (10 beds and above) and residential area designated as per local laws on implementation of additional safety measures as prescribed by the PESO and notification issued by MoRTH and circular issued by IOCL after 07.01.2020 without such specific stipulation will be violative of order dated 18.01.2019 passed by this Tribunal in O.A. No. 86/2019 and CPCB Guidelines dated 07.01.2020.

75. It follows that plot size of 20 m x 20 m for establishment of new petrol pump fixed by notification issued by MoRTH and policy circular issued by IOCL being violative of order dated 18.01.2019 passed by this Tribunal in **O.A. No. 86/2019 Gyanprakash@Pappu Singh Vs. UoI & Ors.** and also Guideline "H. Siting Criteria of Retail Outlets" of CPCB Guidelines dated 07.01.2020 issued by CPCB which by necessary implication require minimum plot size of 30 m x 30 m with effect from 07.01.2020 need to be reviewed/modified by MoRTH and IOCL accordingly.

76. The questions which next arise are whether siting criteria for new Petrol Pump/retail outlet laid down in Point H of CPCB Guidelines dated 07.01.2020 is applicable to the proposed Petrol Pump and whether respondent no. 7 is entitled to grant of NoC for setting up of the same as proposed in the land in question.

77. In the present case new petrol pump/retail out let is proposed to be set up on plot property ID no.131C4U3 measuring 66ftx66ft situated between Jagadhri bus stand to Agrasen Chowk at KM0.243(LHS) RD+1.400 (RHS) on Jagadhri Ponta Sahib Section of NH 73A in village and Tehsil Jagadhri, District Yamuna Nagar belonging to respondent no.3 Hindu Girls College/School, Jagadhri.

78. Respondent no.4- Pushpesh Passi took the land in question on lease from respondent no.3 Hindu Girls College/School, Jagadhri for 30 years on

rent of Rs.90,000/- per month. The Managing Committee of the society Hindu Girls High School and Hindu Girls College, Jagadhri in its meeting dated 24.03.2021 passed Resolution for leasing of the land for the purpose of setting up of petrol pump. Lease Deed no. 1655 dated 02.06.2021 was executed in favour of Respondent no.4- Pushpesh Passi by respondent no.3-Hindu Girls College/School, Jagadhri through Executive Member Mr. Jagbir Singh authorized by the Managing Committee vide resolution dated 24.03.2021. Clause no. 3 in the lease deed permitted Respondent no.4- Pushpesh Passi to use the land in question for establishment of petrol pump.

79. The Applicant has submitted that the distance between petrol pump and college is only 5-10 meters as the land (where petrol pump is being set up) is situated in the premises of college and beside the land for petrol pump there is auditorium of college which can hold 1500 students at a time. The hostel of the college is also situated adjacent to the land in question.

80. Learned Counsels for respondents no. 4 and 7 have argued that respondent no. 3 was not subject to any restriction from any authority barring it from leasing out and permitting lessee to sub-lease the land in question for setting up of petrol pump and there is no legal restriction on/bar to use by respondent no.4 of the land in question for setting up of petrol pump.

81. Vide order dated 17.08.2023 this Tribunal directed the District Magistrate, Yamuna Nagar to look into as to whether as per terms and conditions of the allotment/lease in favour of the college/school for propagation of education to the girls, the installation of petrol pump within the campus of school/college is permissible or not and whether installation of petrol pump in the campus violates the basic principles of installation of Educational Institution.

82. The District Magistrate, Yamuna Nagar vide letter no.462/PLA dated 22.09.2023 constituted a Joint Committee comprising (i) Additional Deputy Commissioner, Yamuna Nagar, (ii) Sub Divisional Magistrate, Jagadhri, (iii) Regional Officer, HSPCB, Yamuna Nagar and District Higher Education Officer, Yamuna Nagar which submitted report vide letter no.1255 dated 10.10.2023. In the report the joint committee mentioned that the Principal Hindu Girls College, Jagadhri submitted sale purchase documents vide letter dated 05.10.2023 and as per the conditions of sale deed there is no objection in setting up of petrol pump on the said land.

83. However, it may be observed here that the Joint Committee constituted by this Tribunal vide order dated 31.05.2023 submitted report dated 28.06.2023 that the distance of the auditorium situated in the college premises was measured on the spot by the revenue department from the proposed vent pipe location shown in the drawing of the retail outlet and same was found approx 11.3 meter which is not fulfilling the criteria laid down by CPCB Guidelines dated 07.01.2020.

84. The joint committee constituted by the District Magistrate, Yamuna Nagar vide letter no.462/PLA dated 22.09.2023 also mentioned in its report submitted vide letter no.1255 dated 10.10.2023 that the distance of the auditorium situated in the college premises was measured on the spot by the revenue department from the proposed vent pipe location shown in the drawing of the retail outlet and same was again found approx 11.3 meter which is not fulfilling the criteria laid down by CPCB memorandum dated 07.01.2020 and the petrol pump cannot be established on the land in question as it violates point No. H of CPCB Guidelines dated 07.01.2020.

85. It may be observed here that the Joint Committee constituted by this Tribunal has mentioned in its report dated 28.06.2023 that in the original

layout plan submitted by IOCL with application for grant of NOC the presence of an auditorium within 11.3 meters of the proposed retail outlet was not shown.

86. Since said report raised the question as to concealment of material facts by respondents no. 3, 4 and 7, this Tribunal, vide order dated 20.08.2024, directed the production of the original records related to the grant of NOC and also impleaded the Deputy General Manager (Retail Sales), Panipat, as Respondent No. 7.

87. The District Magistrate, Yamuna Nagar produced the original record which was returned while retaining photo stat copy of the same on record.

88. Respondent no. 7 filed reply dated 23.09.2024 denying any concealment of facts pleading as to relevant information not being available with it as referred to hereinabove.

89. Learned Counsel for respondent no. 7 has argued that the initial drawing/layout submitted to the District Magistrate, Yamuna Nagar, for the grant of the NOC clearly indicated the presence of "Hindu Girls College Land" around the Retail Outlet site. At the time of submission of application for NOC, Respondent no.7 had no access to, nor knowledge of, the internal facilities of the college or their specific uses. As such, further detailed indications regarding the internal layout of the college were not included in the submission, as this information was neither available nor accessible to Respondent no. 7 and the purpose of the buildings in the college premises was not known to Respondent no. 7. Consequently, further detailed indications were not provided in the layout. Additionally, the drawing/layout, which was duly approved by the District Magistrate, Yamuna Nagar, was prepared by an NHAI-approved consultant and is fully compliant with NHAI norms. This approved layout clearly identifies the presence of Hindu College,

with the access point to the college marked as "Hindu College Gate." There has been no suppression or misrepresentation of material facts by Respondent no.7 in the drawings/layout submitted for the purpose of obtaining the NOC.

90. This submission is devoid of any merit as the distance of the auditorium building would have been visible to even the naked eye. Photographs filed with the report dated 28.06.2023 of the Joint Committee constituted by this Tribunal vide order dated 31.05.2023 conclusively establish this fact. In the facts and circumstances of the case, we are of the considered view that there was deliberate concealment of facts regarding the auditorium building by respondent no.7 in the original layout plan which disentitles respondent no.7 to grant of NOC for setting up of new Petrol Pump/Retail outlet on this ground.

91. Respondent no. 3 has also deliberately misrepresented the facts before this Tribunal by submitting that **respondent no.4 Pushpesh Passi Jagadhri has taken the farthest, vacant, non-useable land of the college on lease for installation of petrol pump; the area is far from the college playground and mess; the building called auditorium and the girl's hostel is vacant; no student is residing in the hostel building for the last 08 years.** The applicant has disputed correctness thereof and submitted that recently convocation was held in the auditorium. Respondent no. 3 has also deliberately absented from the proceedings to avoid any liability for the same. Respondent no.3 has tried to justify lease of land in question as revenue generating measure for sole utilization for the welfare of girl students of the college but the facts pleaded by respondent no.3 regarding vacant, non-useable land of the college, the building called auditorium and the girl's hostel being vacant and no student residing in the hostel building for the last 08 years raise serious doubts regarding the bonafides, competence, efficiency of

the Members of the Managing Committee and disclose lack of proper management in Hindu Girls College and School, Jagadhri. **Haryana Government is directed to look into these aspects and consider the desirability of taking appropriate action for proper management of the Hindu Girls College and School, Jagadhri in accordance with law.**

92. It may also be observed here that even in the report submitted vide letter no. 73/MC dated 19.04.2023 the concerned Revenue Officers and Officials had deliberately given factually wrong report as to Hindu Girls College being situated at the distance of 100 meters and no school, hospital or residential house being situated within 100 meters whereas auditorium and hostel buildings were situated within distance of 100 meters. **Haryana Government is directed to take appropriate disciplinary action against the erring Revenue Officers and Officials in accordance with law.**

93. **Action taken report may be filed by concerned Head of Department in Haryana Government in this regard before learned Registrar General of this Tribunal within six months.**

94. Since we have held that the expression "Schools" in Point no. H of CPCB memorandum dated 07.01.2020 includes "colleges", CPCB memorandum dated 07.01.2020 will be applicable in the present case and proposed new Petrol Pump cannot be permitted to be set up in the land in question measuring 20mX20m as the same does not meet even 30mx30m siting criteria prescribed by CPCB Memorandum dated 07.01.2020.

95. Even if the expression "schools" be interpreted not to include "colleges", even then it may be observed that proposed new Petrol Pump is to be set up **not in land abutting college/school but in land owned and possessed by college/school within the campus thereof.** In lease deed no. 1655 dated 02.06.2021 reference is made as to Hindu Girls College and School, Jagadhri

being joint owners in possession of the land in question which is also mentioned first party therein and executed the sale deed through Executive Member Mr. Jagbir Singh. Consequently, location of new Petrol Pump in the land in question jointly owned and possessed by Hindu Girls High School will not be permissible.

96. Even Otherwise, it may be observed that in report submitted vide letter no. 73/MC dated 19.04.2023 it was mentioned that as per revenue record the land in question is part of abadi deh. Consequently, the land in question is covered by the expression "residential area designated by local laws" and the siting criteria laid down by Point H of CPCB Guideline dated 07.01.2020 will be applicable to the case and in view thereof, proposed new Petrol Pump cannot be permitted to be set up in the land in question as the same does not meet even 30mx30m siting criteria prescribed by CPCB Guidelines dated 07.01.2020.

97. In view of the above, the original application deserves to be allowed and is allowed accordingly and application submitted by respondent no.7 for grant of NOC is held to be liable to be declined and NOC dated 15.05.2023 issued by the District Magistrate, Yamuna Nagar is liable to be set aside and it is so ordered accordingly.

98. The District Magistrate, Yamuna Nagar is directed to dispose of the proceedings, if any pending before him, in accordance with the observations made by this Tribunal.

99. However, in view of the facts and circumstances of the present case and similar cases coming up before this Tribunal, we are also of the considered view that the expressions "schools, hospital (10 beds and above) and residential area designated as per local laws" used in CPCB Guidelines dated 07.01.2020 purport to be exhaustive whereas the same ought to be

illustrative conferring some discretion to take into consideration, instead of ignoring, similar sensitive installations/locations and the CPCB Guidelines dated 07.01.2020 need to be reviewed to include other similarly sensitive installations/locations.

100. Accordingly, Ministry of Petroleum and Natural Gas (MoP&NG) and CPCB are directed to review CPCB Guidelines dated 07.01.2020 by constituting Expert Committee and circulate the same to all concerned authorities within six months for strict compliance.

101. A copy of this order may be sent to the Secretary, MoEF&CC, Secretary, MoRTH and Secretary, MoP&NG, Government of India, Chief Secretary, Government of Haryana, Member Secretary, CPCB, Chairman, IOCL and District Magistrate, Yamuna Nagar by email for requisite compliance.

Arun Kumar Tyagi, JM

July 21st, 2025
AG

Dr. Afroz Ahmad, EM


True Copy

Item No.02:

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 101 of 2020 (SZ)

(Through Video Conference)

IN THE MATTER OF:

Kuruvila Abraham, Alapuzha
Aged 57 years, Son of A.K. Abraham,
Amprayil Anchil, Neerattupuram,
Alapuzha 689 571.

...Applicant(s)

Versus

1. The Kerala State Pollution Control Board,
Represented by its Member Secretary,
Kerala State Pollution control Board,
Pattom P.O. Thiruvananthapuram 695 004.
2. The Central pollution control Board,
Rep. by its Chairman,
Parivesh Bhawan, East Arjun Nagar,
Delhi 110 032.
3. Juby Jacob, Koppapparampil House,
Neerattupuram P.O.
Thalavady, Alapuzha 689 571.
4. The Territory Manager (Retail)
(Bharat Petroleum Corporation Limited,
Irimpanam, Kochi 682 309.

...Respondent(s)

Date of hearing: 08.07.2020.

CORAM:**HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER****HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER****For Applicant(s):**

Sri. P.B. Sahasranamam along with
Sri. S. Sai Sathya Jith.

For Respondent(s):

Smt. Rema Smrithi for R1.
Smt. P. Jeyalakshmi for R2.

ORDER

1. The above application has been filed by the applicant seeking the following reliefs:

- a. *Allow the application by directing the Central Pollution Control Board to issue appropriate direction to the Kerala State Pollution Control Board, to follow the guidelines for setting up of new petrol pumps, B-13011/1/2019-20/AQM dated 07.01.2020 to all such pumps to which no consent to operate has been issued.*
- b. *To direct the Kerala State Pollution Control Board not to issue any consent to operate to any petrol pumps which are established in derogation of the safe distance rule of fifty metres from residential buildings.*
- c. *To direct the Central Pollution Control Board to take into consideration the special features of Kerala State and conduct a study by appointing a*

Committee and prescribe more stringent distance rule for the establishment of petroleum outlets in Kerala State alone, within a reasonable time which this Hon'ble Tribunal thinks fit and necessary in the circumstances of the case.

2. It is alleged in the application that the 3rd respondent herein is trying to establish a petroleum outlet on the basis of the permission granted by the 4th respondent in violations of the guidelines given by the Central Pollution control Board in this regard.
3. It is also alleged in the application that consent to establish was granted to the 3rd respondent, by the 1st respondent on 06.02.2020 as contemplated under Section 25 of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 evidenced in Annexure A1.
4. According to the applicant, the Principal Bench of National Green Tribunal considered the question of establishing new petrol pump as per order dated 22.07.2019 in *Original Application No. 31 of 2019 and Original Application No. 86 of 2019 (K. Sathyadevan Verses Union of India and others and Gyanprakash @ PappuSingh Verses Union of India and others)* after considering report of the expert committee appointed by the Tribunal and issued certain directions to the Central Pollution Control Board to implement the

recommendations of the committee and issue necessary directions to the State Pollution Control Board in this regard and disposed of that application.

5. On the basis of the same the 2nd respondent had issued **Annexure- 2(3)** Guidelines dated 07.01.2020, following the same the 1st respondent had issued **Annexure A-3** Circular.
6. According to the applicant, the consent to establish was issued after passing the orders by the Principal Bench of National Green Tribunal, New Delhi and issuance of the guidelines by the Central Pollution Control Board. He along with some others filed a Writ Petition before the Hon'ble High Court as W.P. (C) No.10129/2020 seeking certain directions directing the Kerala State Pollution Control Board to consider the representation submitted by the applicants in that case before issuing consent to operate to the owner of the outlet and the Hon'ble High Court by judgement dated 22.05.2020 disposed of that Writ Petition directing the 2nd respondent Environmental Engineer, Alapuzha District within whose jurisdiction the outlet is going to be started to dispose of the same in accordance with the law after giving opportunity to the applicants as well as the proposed person who intend to start the outlet.

7. Since, the applicant felt, that he will not get justice from the Kerala State Pollution Control Board, he approached this Tribunal seeking the above relief.
8. When the matter came up for admission for hearing today through Video Conference. Sri. P.B. Sahasranamam along with Sri. S. Sai Sathya Jith appeared for the applicant. Smt. Rema Smrithi represented 1st respondent, Smt. P. Jeyalakshmi represented 2nd respondent. Since this Tribunal felt that the application can be disposed of by giving certain directions without going to the merit of the case, we have dispensed with notice to respondents 3 and 4.
9. The learned counsel for applicant submitted that the consent to establish itself was granted after the guidelines issued by the Central Pollution Control Board in this regard and after the orders of the National Green Tribunal, so that itself is bad. Further, the Kerala State Pollution Control Board is expected to consider the violations if any of non compliance of the conditions imposed in the consent to establish before issuing consent to operate.
10. On the other hand, the learned counsel appearing for the Kerala State Pollution Control Board submitted that there is no illegality to issuing the circular and when consent to operate is applied for same will be considered and pass appropriate orders in accordance with law only.

11. Further, the circular had been issued by the Kerala State Pollution Control Board pursuant to the guidelines given by the Central Pollution control Board making clear that this will be applicable only to the new applications filed for this purpose after the issuance of the circular only and the consent to establish was granted prior to that. The counsel appearing for the Central Pollution Control Board submitted that she wants to get some instructions from the 2nd respondent.
12. Since, we are not going to the merit of the case; we need not wait for any more time to dispose of the case.
13. Since, the applicant was not challenged **Annexure A1** consent to establish dated 06.02.2020, he is not entitled to challenge the validity of the same before this Tribunal by filing this application at this stage.
14. Further, the applicant along with some other persons has moved the Hon'ble High Court of Kerala by filing W.P. No. 10129/2020 (*Kuruvila Abraham, Alapuzha Vs the Kerala State Pollution Control Board and others.*) and the Honorable High Court had disposed that writ petition directing the Kerala State Pollution Control Board to pass appropriate orders in the representations filed by the applicants in accordance with law after giving opportunity to

the applicant as well as the proposed persons in who's favour consent to establish was granted namely 3rd respondent there in who is the 3rd respondent here in as well.

15. Since the Hon'ble High Court had considered the grievance of the applicant and disposed of the case with such directions, the applicant is not entitled to come before this Tribunal with a different prayer in order to achieve the same purpose.

16. Further, in view of the dictum laid on the decision reported in the *Tamil Nadu Pollution Control Board Vs Sterlite Industries (I) Limited and others* in Civil Appeal Nos. 4763-4764 of 2013 dated 18.02.2019 reported in AIR 2019 SC 1074, this Tribunal has no power to quash the circular issued by the Kerala State Pollution control Board.

17. Under such circumstances we feel it appropriate to dispose of this application by directing the Kerala State Pollution Control Board to dispose of the representation dated 30.04.2020 produced as Annexure P3 before the Hon'ble High Court of Kerala after complying with the directions issued by the Hon'ble High Court in the case mentioned above.

18. If the applicant files any representation before the Central Pollution Control Board seeking to modify the guidelines already

95

given in respect of establishing new petrol pumps in respect of the Kerala region with some scientific data then the Central Pollution Control Board is directed to consider that representation in consultation with the Ministry of Petroleum and Natural Gas (MoPNG) and Ministry of Environment, Forests and Climate Change (MoEF &CC) and dispose of that representation in accordance with law.

19. So, the application is disposed as follows:-

- (i) *The first respondent is directed to pass appropriate orders in the representation said to have been filed by the applicant produced and considered as Exhibit P3 dated 30.04.2020 and Exhibits P4 dated 03.03.2020, before the Hon'ble High court in the Writ Petition which has been directed to be disposed of by the Hon'ble High Court after complying with the directions issued by the Hon'ble High Court of Kerala in W.P.(C). No. 10129/2020 (Kuruwila Abraham & Ors. Vs. Kerala State Pollution Control Board & Ors.) dated 22.05.2020.*
- (ii) *If the applicant files any representation to the Central Pollution Control Board seeking their interventions for modifications of the guidelines for establishing new*

petrol pumps as per the directions of the National Green Tribunal, Principal Bench dated 07.01.2020, for establishing petroleum outlets in State of Kerala with scientific data's, then the Central Pollution Control Board is directed to consider and pass appropriate order in that representation in consultation with the Ministry of Petroleum and Natural Gas (MoPNG) and Ministry of Environment, Forests and Climate Change in accordance with law within a reasonable time.

20. With the above directions and observations the application is disposed off.
21. The Registry is directed to communicate this order to the Kerala State Pollution Control Board as well as the Central Pollution Control Board for their information and compliance.

.....J.M.
(Justice K. Ramakrishnan)

.....E.M.
(Shri. Saibal Dasgupta)

O.A. 101/2020 (SZ)
08th July 2020. Sr.

318

ANNEXURE R-4/4

97

Application Format For Individual Applicants

Application No.	H	P	C	1	6	9	7	5	5	3	8	4	3	8	3	4	0																											
Application Date **	1	7	-	1	0	-	2	0	2	3																																		
APPLICATION FOR RETAIL OUTLET DEALERSHIP																																												
Name of oil company												Hindustan Petroleum Corporation Ltd.																																
Name of Regional Office												Shimla																																
Particulars of application fee (Rs.)												10,000.00																																
Transaction Number												7871190245930																																
Transaction Date & Time												17-10-2023 20:26:18																																
Payment Mode												Net Banking																																
Are you dealer of an unviable [#] SKO Dealership (# as per clause 4 (ix) (i) of brochure)?												Not Applicable																																
Particulars of Applied location																																												
1	Sr. No. of location in the advertisement											33																																
2	Name of the Location											Within 1 Km of Km Stone 66 on Chamba - Pathankot Road NH 154A																																
3	District											C	H	A	M	B	A																											
4	State											H	I	M	A	C	H	A	L		P	R	A	D	E	S	H																	
5	Category											O	P	E	N																													
6	Advertised on											28-June-2023					In	List of advertised locations in Himachal Pradesh_ English, List of advertised locations in Himachal Pradesh_ Hindi, Himachal Pradesh_Himachal Dastak_Hindi_28.06.2023																										
7	Type of Site											CC																																
8	Type of RO											Regular																																
9	Group of the Applicant on the Basis of land being offered.											Group 1																																
10	Type of applicant											Proprietor																																
11	Applicant would be required to submit Affidavit in original as per the format given in Appendix – XA of the Brochure on intimation by Hindustan Petroleum Corporation Ltd. upon selection.																																											
11.1	Name Mrs.											SHYAMLI																																
11.2	Father's / Husband's Name Mr.											MANOJ KUMAR																																
11.3	Address											VPO HOLI TEH HOLI DISTT CHAMBA HP																																
	District											CHAMBA			State			HIMACHAL PRADESH			Pincode			176309																				
	Tel No.																																											
	Email ID *											shyamlikapoor90@gmail.com																																
	PAN											RUCPS6775R																																
11.4	Indian Citizen											Yes					Resident of India as per IT Rules					Yes																						
11.5	Gender											Female																																
11.6	Date of Birth											14-August-1996			Age			2			7			years			0			2			months			0			3			days		
	Proof of age required to be submitted as and when asked by Hindustan Petroleum Corporation Ltd.																																											
11.7	Document Relied for proof of Age											10th Standard Board Certificate																																
11.8	Marital Status											Married																																
11.9	Name of Spouse(if married)											MANOJ KUMAR																																
11.10	Spouse employed											No																																
11.11	Are you employed in Private Sector or drawing any salary/perks/emoluments from State / Central Government ?											No																																
12	Applicants Education Qualification (Minimum 10th pass or equivalent) Proof of qualifying certificate as per Eligibility criteria would be required to be submitted as and when asked by Hindustan Petroleum Corporation Ltd.)																																											
	Qualification											Name of Board/University/Institution										Certificate/Diploma/Degree			Year of Passing																			
12.1	10th Pass or equivalent											HPBOSE													2012																			

13 **Land details - Group 1 (Copy of proof of ownership of land would be required to be submitted as and when advised by Hindustan Petroleum Corporation Ltd.)**

Name(s) of the owner of Land / Lease holder	Relationship with applicant	Date of registration of sale deed/gift deed / lease deed/ date of mutation/ date of Notarized Affidavit for offer of land as per Appendix III	Location of the land with respect to Reference point / Land mark (Specify land mark / Reference point and distance from the same)	Khasra No/Khatouni/Gut No/Survey No	Dimensions of land		
					Frontage in metre	Depth in metre	Area (Sq.m)
Plot No. 1							
MANOJ KUMAR	SPOUSE	11-10-2023	MOHAL UGHRAL	KHATOUNI NO 3 KHASRA NO 447/63	30	25	750

Are you willing to transfer the land on sale/long lease to **Hindustan Petroleum Corporation Ltd.**

The above piece of plot owned by me/my family member (as defined in **Clause 4(vi) h** of Brochure) either by way of ownership / long term lease, would be made available for a period as per the terms and condition of the advertisement published by the the Oil Company **Hindustan Petroleum Corporation Ltd.**

That as per the documents available with me/us, my/our offer qualifies for being considered under "**GROUP 1**" as defined in **Clause 4 (vi) of the Brochure** for retail outlet dealer selection by the Oil Company **Hindustan Petroleum Corporation Ltd.**

The said land, has been offered for purchase / lease / sub-lease to the oil company for a period as per the terms and condition of the advertisement published by the Oil company **Hindustan Petroleum Corporation Ltd.**

Note: In case land belongs to member of Family / Co-owners / Others, before submission of application, notarized affidavit as per Appendix - III should be available with the applicant, which is to be uploaded/submitted as and when asked by Oil Company Hindustan Petroleum Corporation Ltd.

In Case the offered land has multiple Khasra / Khatauni / Gut / Gatta / Patta / Plot / Survey Nos. etc., complete details of land to be entered in the application.

The Site map/Layout sketch (as indicated in Appendix - V of the Brochure) indicating dimensions/ area pertaining to the part/portion of the total land where Retail Outlet is proposed to be developed, will be uploaded by me as and when advised by Oil Company **Hindustan Petroleum Corporation Ltd.**

14 **Requirement of Finance:** I undertake that funds as mentioned in the advertisement will be made available by me/us as when required for setting up of RO and operation of RO.

a) Fund for development of infrastructure for RO. (Rs. 1,200,000.00)

b) Working capital for operation of RO. (Rs. 3,200,000.00)

15 **UNDERTAKING BY THE APPLICANT**

- I am aware that eligibility for Retail Outlet Dealership will be decided based on the information given in the application above. On verification by the Oil Company **Hindustan Petroleum Corporation Ltd.** if it is found that the information given by me is incorrect/ false/ misrepresented then my candidature will stand cancelled and I will be declared ineligible for the Retail Outlet Dealership.
- I also confirm that I am in possession of the supporting documents in original in respect of the information given by me in this application and if selected, failure to present these documents in original will result in cancellation of selection due to submission of false/unsupported information in this application.
- I am fully aware that if I am unable to provide suitable site mentioned above for setting up of the Retail Outlet as per the Oil Company's standard layout, then the offer / allotment of dealership made to me will be cancelled.
- I am also aware that in the event of my inability to develop the requisite infrastructure and facilities as per specification and timelines stipulated by the Oil Company **Hindustan Petroleum Corporation Ltd.** in the advertisement/LOI the allotment can be withdrawn and I will have no claim/damages whatsoever against the Oil company **Hindustan Petroleum Corporation Ltd.**
- I am also aware that in the event of my inability to arrange the funds required towards working capital for operation of the RO as specified by the Oil Company **Hindustan Petroleum Corporation Ltd.** in the advertisement or in the event of non-fulfilment of LOI conditions, the allotment can be withdrawn and I will have no claim/damages whatsoever against the Oil company **Hindustan Petroleum Corporation Ltd.**
- I am fully aware that I will not be appointed as Retail Outlet Dealer if I am employed. I shall have to resign from the service and produce proof of acceptance of my resignation from my employer before issuance of Letter of Appointment.
- I am also aware that I cannot take up any other employment nor can draw any salary/perks/emoluments from State/Central Government upon my appointment as a dealer.
- I confirm that neither I nor any member of my "family unit" (as per definition of family under multiple dealership norm given in Brochure) are employees of Indian Oil Corporation Ltd or Bharat Petroleum Corporation Ltd or Hindustan Petroleum Corporation Ltd.
- I am fully aware that If selected I shall be paying attention towards day to day working of the dealership by personally managing the affairs of the dealership and will not be eligible for taking up any employment.
- I undertake to fulfill the conditions of **Hindustan Petroleum Corporation Ltd.** with regard to inducting Spouse as Co-owner in the dealership if the dealership is awarded to me.
- That, if selected, I undertake that I will be depositing an interest free Security deposit of **Rs. 500,000.00** as per the policy of the Corporation.
- That, if selected, I undertake that I will pay a non-refundable Final Bid amount as per the policy of the Oil Company **Hindustan Petroleum Corporation**

Ltd.

- m. I am also aware that the same land cannot be offered by more than one applicant for a particular RO location against the same advertisement. In case it is found that the same piece of land as offered by me has been offered by other applicant(s) for this location then my candidature for RO dealership will be rejected/ Dealership terminated, if already appointed.
- n. I confirm that I am of sound mental health & I am not totally paralyzed.
- o. I confirm that I have never been convicted for any criminal offence involving moral turpitude and/or economic offences (other than freedom struggle).
- p. I hereby confirm that neither I nor any member of my Family Unit (as defined under Multiple dealership norm for individuals/non-individuals of Disqualification criteria), was ever a signatory to dealership/distributorship agreement of any Oil Company, which was terminated for proven malpractices and / or for violations of provisions of the Marketing Discipline Guidelines.
- q. I do hereby confirm that I am eligible for allotment of Retail Outlet dealership as per applicability of Multiple Dealership Norm defined under Clause Disqualification in the Brochure for Selection of Dealers for Regular & Rural Retail Outlets and do not disqualify for allotment of Retail Outlet dealership under other conditions mentioned therein.
- r. I hereby confirm that my candidature has never been rejected/selection cancelled/dealership or distributorship terminated by any of the Oil Company for providing false information/misrepresentation of facts/submitted false/fake documents while applying for RO/SKO-LDO Dealership / LPG Distributorship
- s. I confirm that the mobile no., e-mail Id, PAN and address mentioned in this application form belongs to me.
- t. I am aware that this is only a business offer and the oil company. reserves the right to cancel the advertised location and I shall not claim any damages/compensation from the oil company.

Declaration

I, **SHYAMLI** wife of **Shri MANOJ KUMAR** hereby confirm that the information given above is true and correct. Any wrong information /misrepresentation/ suppression of facts will make me ineligible for this RO dealership. That if any information/declaration given by me in my application or in any document submitted by me in support of application for the award of the RO dealership shall be found to be untrue or incorrect or false, the **Hindustan Petroleum Corporation Ltd.** would be within its rights to withdraw the letter of intent / terminate the dealership (if already appointed) and that I would have no claim, whatsoever, against the Corporation for such withdrawal / termination.

Signature of applicant



**Date :

1 7 - 1 0 - 2 0 2 3

Name of applicant

SHYAMLI

**The date mentioned in the application will be treated as date applicable for the purpose of evaluating the eligibility criteria.

Note:* All further communication will be done on registered email address & mobile number.

Shyamli
True copy

321

ANNEXURE R-4/5

100



हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

(भारत सरकार का उपक्रम) रजिस्टर्ड ऑफिस 17, जमशेदजी टाटा रोड, मुम्बई - 400 020

HINDUSTAN PETROLEUM CORPORATION LIMITED

(A Government of India Enterprise) Registered Office : 17 Jamshedji Tata Road, Mumbai- 400 020

शिमला रिटेल क्षेत्रीय कार्यालय : हमीर हाउस, तीसरी मंजिल लोअर चक्कर, शिमला (हि.प्र.) - 171005

फोन : 0177-2633841, 2633842, 2633843 फैक्स : 0177-2633840

Shimla Retail Regional Office : Hameer House, 3rd Floor, Lower Chakkar, Shimla (H.P.) - 171 005

Phone: 0177-2633841, 2633842, 2633843 Tele Fax : 0177-2633840

CIN NO - L23201MH1952GO1008858

By Registered Post/Hand

Ref : SRRO/RET/LOI/2023(33)/20

Date : 15.01.2024

To

Smt. Shyamli
W/o Shri Manoj Kumar
VPO Holi, Tehsil Holi,
District Chamba (HP)
Pin-176309

Dear Madam,

Sub: Proposed MS/HSD Regular/Rural Retail Outlet Dealership at Location: Within 1 Km of Km Stone 66 on Chamba - Pathankot Road NH 154A, District: Chamba, State: Himachal Pradesh, Category: Open, Sub-Category: Not applicable

We refer to our advertisement dated 28.06.2023 and your application form No. **HPC16975538438340** for the award of MS/HSD Retail Outlet dealership at the above location and the subsequent Bid Opening held at **Hotel Peterhoff, Peterhoff Rd, near All India Radio, Chaura Maidan, Shimla HP-171004** and the intimation of your provisional selection on 06.12.2023.

Please be informed that by this Letter of Intent, we propose to offer you a Retail outlet dealership of **Hindustan Petroleum Corporation Limited** at the above location on the following terms & conditions:-

1. You have offered a suitable piece of land admeasuring 30 meters (frontage) X 25 meters (depth) and area 750 sq. meters at Khasra no. 447/63 of Village: **Ghural**, District: **Chamba**, State: **Himachal Pradesh** as indicated by you in the application for the development of the subject Retail Outlet. You have to make available said piece of land and submit all relevant land documents in respect of the same within 2 months from the date of this letter for enabling **Hindustan Petroleum Corporation Limited** to prepare layouts / applications for

seeking the statutory approvals / licenses so that the Retail Outlet can be developed, failing which this offer is liable to be withdrawn. (For Group 1)

2. **Hindustan Petroleum Corporation Limited** shall prepare layouts / applications for obtaining all statutory approvals / licenses required for development of the retail outlet on the plot of land offered by you. You shall coordinate with the concerned statutory authorities for issuance of all requisite NOCs / Statutory approvals / Licences which are required for development of the retail outlet.
3. As and when advised by the Corporation, the site offered by you including the entry / exit / acceleration / de-acceleration / service road would be duly developed up to the road level by cutting/filling (as applicable), with good earth/murum, layer-wise compacted as per standard engineering practices. You shall also construct necessary retaining wall and compound wall of 1.5 meters height, designed as per site conditions as per approval of Corporation as committed under Clause 12 (e)/11(e) of affidavit submitted by you along with application. Subsequently, the land would be required to be transferred on lease for a minimum period of 19 years 11 months as per terms and conditions of the advertisement with renewable option at rentals mutually agreed upon / sold to **Hindustan Petroleum Corporation Limited**). Kindly note that in case the site as offered by you for leasing / sale to **Hindustan Petroleum Corporation Limited** for putting up the Retail Outlet is not made available for lease/purchase as per the advice of the Corporation, this Letter of Intent will be withdrawn without any further notice. However, there is no commitment from **Hindustan Petroleum Corporation Limited**, for taking the said land from you
4. **Hindustan Petroleum Corporation Limited** will develop the retail out let at the above location, **Within 1 Km of Km Stone 66 on Chamba - Pathankot Road NH 154A, District: Chamba** on the said site to be taken on lease/purchase by **Hindustan Petroleum Corporation Limited** with appropriate structures, storage tanks and pumps.

Additional facilities (site specific) may also be developed by **Hindustan Petroleum Corporation Limited** on its sole discretion such as Canopy, Service Station or any other facility as may be decided by **Hindustan Petroleum Corporation Limited** from time to time.

5. For the facilities that may be provided by the Corporation as aforesaid, you would be required to pay license fee as may be decided by the Corporation and applicable to you from time to time. At present, the license fee (incl. GST) recoverable is Rs.435.83 / KL for MS and Rs.363.19 / KL for HSD.
6. The corporation will not be held liable for any loss or damage on account of delay that may be caused in providing you the facilities mentioned above, whatever may be the cause of the failure or delay.

7. You will provide at the retail outlet other mandatory facilities like:

- a. Clean drinking water.
- b. Free Air.
- c. Clean toilet.
- d. Telephone.
- e. First aid kit with valid medicines.
- f. Adequate illumination.
- g. PUC facilities, wherever it is mandatory.
- h. Other facilities as may be specified by the Corporation from time to time.

8. You will ensure all financial and other arrangements for operating the retail outlet dealership.

In case you are unable to arrange funds required for development of desired infrastructure and facilities at the Outlet allotted and the working capital for operation of the retail outlet as mentioned in the Advertisement for the location, this LOI can be withdrawn and you will have no claim/damages whatsoever against the Oil Company.

9. You shall not induct any partner(s) in case of individual (s) nor make any changes in the constitution of the partners as existing at the time of application without the approval of the Company, except your spouse as per terms and conditions of the **Hindustan Petroleum Corporation Limited**.

10. It will always be a basic condition for the award of MS / HSD retail outlet dealership that you shall be paying attention towards day to day working of the dealership by personally managing the affairs of the dealership. You will give us a written undertaking to this effect and shall not assign or part with the same to any other person (s).

You will not be eligible for taking up any employment. If you are already employed you will have to resign from the employment and produce the letter of acceptance of resignation by the employer before the issuance of Letter of Appointment by the Oil Company.

11. As agreed, you will be initiating necessary action towards enabling registration of site where the Retail Outlet is planned. You will also assist us in getting the requisite NOC from appropriate Authorities.

12. You will deposit with us a Demand Draft for Rs. **4,50,000** drawn on any scheduled bank in favour of **Hindustan Petroleum Corporation Limited** payable at **Chandigarh** towards security Deposit (after setting of the Initial Security Deposit amount) at the time of issuance of appointment letter after compliance of all the requirements of LOI. Kindly note that the Security deposit will not carry any interest and is refundable at the time of expiry of agreement between you and the Corporation. However, if such expiry of agreement is

consequent to proven adulteration/malpractice at the dealership, this amount will be forfeited. Moreover, this Corporation reserves its right to adjust this amount towards any dues to it.

13. You will also remit an amount of Rs. **30,00,500** towards Non-refundable Bid amount, by way of a Demand Draft for Rs. **30,00,500** drawn on any scheduled bank in favour of **Hindustan Petroleum Corporation Limited** payable at **Chandigarh** within 15 days of receipt of NOC.
14. You will be notified by the corporation, in writing, after the facilities mentioned above are made available and are ready for commissioning the dealership. Immediately on receipt of the above notice from the corporation, you shall obtain each and every license necessary for operating your dealership as may be required under any central / state govt. / municipal or local authorities for the time being in force.
15. If we find that the progress made by you towards the above is not to our satisfaction, this offer is liable to be withdrawn.
16. Please note that you are required to fulfill the conditions with regard to inducting Spouse as Co-owner in the dealership before issuance of Letter of Appointment.
17. This letter of intent will stand automatically withdrawn and cancelled on the happening of any of the following events:-
 - a) In case you or any of your family members (as defined under disqualification criteria of dealer selection guidelines) receive anytime or have received a letter of intent for any other RO/SKO-LDO dealership or LPG distributorship from our company or any other oil marketing company either in your individual capacity or in partnership with any other individual(s).
 - b) In case you or any of your family member gets inducted as partner or proprietor in any other RO/SKO-LDO dealership or LPG distributorship of our company or any other oil marketing company.
 - c) If it is found that you have suppressed and / or misrepresented any material facts in your application.
 - d) In case you are found to be convicted for any criminal / economic offence involving moral turpitude.
 - e) In the event of death if you are an individual/partner.

18. In case you are not able to provide the land / develop facilities within the specified time or fail to fulfill of terms & conditions of LOI, then LOI can be withdrawn. In such situations Initial Security Deposit (ISD) would be forfeited.

The Initial Security Deposit (ISD) would also be forfeited if you are unable to submit the total bidding amount within the stipulated time or withdraw for any reason, your selection would be treated as cancelled and LOI withdrawn.

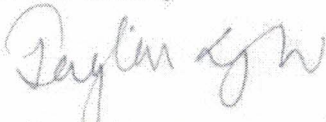
19. This letter is merely a letter of intent and is not to be construed as a 'firm offer' of dealership to you. The dealership will be allotted to you on your complying with the terms and conditions spelt out herein above by issuance of appointment letter along with signing of our standard dealership agreement between you and us.

Should you require any further details / guidelines, please get in touch with our office at the address mentioned below :

Hindustan Petroleum Corporation Limited
3rd Floor, Hameer House, Lower Chakkar,
Shimla, PIN 171005

Please acknowledge receipt of this letter.

Thanking you,
Yours faithfully



For Hindustan Petroleum Corporation Limited
JAGTAR SINGH LABANA
DULY CONSTITUTED ATTORNEY


ACKNOWLEDGEMENT

I hereby accept this Letter of Intent with all the terms and conditions stipulated therein.


I do hereby confirm that I am eligible for allotment of Retail Outlet dealership as per applicability of Multiple Dealership Norm defined under Clause "Disqualification" in the "Brochure for Selection of Dealers for Regular & Rural Retail Outlets" and I am not disqualified for allotment of Retail Outlet dealership under other conditions mentioned therein.

Place : Shimla

Date : 15.01.2024

Signature : 

Name : Shyamli


Shyamli

ANNEXURE: R-4/6

105



HPSPCB

H.P STATE POLLUTION CONTROL BOARD

VPO Rajpura, Tehsil & District Chamba H.P 176310
Phone no. 01899-237426

Website: <http://hpspcb.nic.in>

e-mail: pcbchambahal@gmail.com

Date: 15/2/2024

No: - PCB/Petrol Pump NOC /RO (CBA)/2024- 1971

To:

The Sub-Divisional Magistrate,
Dalhousie Tehsil Dalhousie
District Chamba H.P.

Sub: -

NOC for putting up MS/HSD Retail outlet (Petrol Pump) at Khata/Khautani no.3/3,
Khasra No. 447/63/1 at Village Ghural, Tehsil Dalhousie, District Chamba H.P.

Sir,

Kindly refer to your office letter no. DAL-SDO-C-SDK/2024/1033-45, dated 28.02.2024 regarding the subject cited above. The site was inspected by Jr. Environmental Engineer on date 07.03.2024 and it was found that there is no hospital, no school, and no residential area within 50 meters from the proposed petrol pump. Further the report of Village revenue officer has been supplied to this office (copy enclosed as Annexure-I) by the proponent on date 14.03.2024 and as per the report there is no Hospital, no School, no residential area and Water body within 50 meters from the proposed Petrol Pump. As per the site inspection of the Board Official and report of Village Revenue Officer the State Pollution Control Board has no objection for the establishment of MS/HSD Retail outlet) at Khata/Khautani no.3/3, Khasra No. 447/63/1 at Village Ghural, Tehsil Dalhousie, District Chamba H.P. subject to the following condition:

1. Prior consent of the State Board shall be obtained before undertaking any steps to establish the project under Water Act, 1974 and/or Air Act, 1981, as the case may be.
2. This NOC is subject to prior forest clearance, if any required.
3. Transfer of land shall be governed only by the regulations and provisions prescribed by Revenue Department and this NOC alone shall not entitle the applicant to purchase/acquire land.
4. NOC so issued shall not confer any right on the applicant to establish the project unless the Revenue Department has actually allowed the acquisition of land
5. The proponent shall maintain noise level equal to or less than the standards prescribed under Environment Protection Rules, 2016.
6. The project shall provide proper scientific system for the disposal of domestic effluent, kitchen waste water and Municipal Solid Waste, etc.
7. The muck, if generated during construction activity should be scientifically disposed off.
8. The setting up of petrol pump should be as per the siting criteria issued vide letter no. PCB (Misc.) Petrol Pumps/2021-1304, dated 04.05.2021 (copy enclosed as Annexure-II).
9. The unit shall submit the results of Soil Quality and Groundwater results (Monitoring shall be done near the premises of fuel retail outlet) to this office before the installation of petrol pump.
10. The sludge removed from underground tanks during cleaning shall be collected, stored and disposed as per Rule 8 of Hazardous waste (management & Transboundary) Rules, 2016

Encl: As above

Yours faithfully

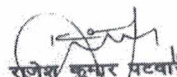
Er. Rahul Sharma
Asstt. Environmental Engineer
HPSPCB, Chamba

Received by hand:

True Copy

रिपोर्ट
x

रिपोर्ट की जाती है कि जताते सजब
 आभिलष के अजबाल सुहाल बुराल जमाबदी
 पानि 2020-21 के खाला/खालानी नक उक्त खलख
 नम्बर 447
 63 सुहाल अगत लखनी लखलखी
 जिला चम्पा हिंफ में दिवूलतम पंडालिम
 (HAWDUSTAN PETA) का पंडाल मप लगना
 जलावेर हुआ है।
 अतः उपरोक्त सुमि के 50 (पचास) माल
 दापर में सुमि के लखुव, अलतपाल जलका
 व आवादी नह नहा है।
 रिपोर्ट अगामी मपवादी है
 जेगा में पापर है।


 राजेश कुमार पटवारी 03
 पटवार वृत्त बाघरी 094
 सखसील डलहीजी
 जिला चम्पा (हि.प्र.)

VRo sign c/s
 82
 03/24
 03/24


 True Copy

REPORT

It is reported that a Hindustan Petroleum (HPCL) Retail Outlet is situated on Khasra No. 447/63 in Mauhal Bual, Village Bual.

As per the Revenue Records, there is no lake, pond, stream, river, canal, creek, khad, or nullah within approximately 50 meters of the said Khasra number.

Accordingly, this report is submitted.

It is further clarified that no lake, pond, stream, river, canal, creek, khad, or nullah exists within the said Khasra number.

Date: 04.04.2025

Santha
True Copy

ANNEXURE: R-4/7

108

To

The Chairman & Director,

HPCL.

Subject: - Violation of appointment of Retail outlet dealership.

Dear Sir/Ma'am

I would like to draw your kind attention that HPCL (Hindustan Petroleum Corporation Limited) has issued LOI to Smt. *Shyamli* vide Application Number HPC16975538438340 under Group-1 Category, for location within 1 Km of stone 66 on NH-154A in Village Ughral PO Banikhet, tehsil Dalhousie, District Chamba (H.P.).

It is again pointed out that the above mentioned applicant should have land in her name or by way of lease. In this case when she applied for the same having no exclusive land in her name i.e. by way of ownership or by way of lease deed.

The lease deed agreement papers which she enclosed in her bid are between Sh. Anil kumar S/o Jai Kishan S/o Dittu a resident of Village Ughral PO banikhet, Tehsil Dalhousie, Distt. Chamba H.P. as a "lessor" and Sh. Manoj Kumar S/o Munshi Ram S/o Godham Ram resident of village Holi, tehsil Holi, Distt. Chamba (H.P.) as a "Lessee".

The "Lessor" owned and possessed 47/95 Share measuring 11-00-13 Bigha recorded within the Kehwat No.3 Khatuni No.3 Khasra No. 25,31,38,43,44,46,47,447/63,82,87,96,114,115,128,136,153,163,171,308,309,315,449/316,325 & 328 kita-24 Total measuring 22-06-00 Bigha Situated in Mohal Ghural Patwar Circle Bathri Tehsil Dalhousie, Distt Chamba (H.P.). As the Lease deed was executed in Joint property with multiple Share Holders. That as per the revenue record (Khatuni) dated:- 19.06.2024 no mutation has not been in favor of the lessee till date, hence lease deed is not legal. Moreover, no mutation or lease deed has been done in favor of the applicant, how company has issued LOI, reason is best known to the Company.

The Lease deed was executed on 11 October 2023, whereas the said candidate doesn't have the lease deed in her name, which is clear violation of terms and conditions required for the application of RO by OMC's. Till date the above mentioned land is in a joint owner possession by numerous co-owners which are not in her relation and on this basis so many applications have been rejected for Group-1 category by OMC's. As issuing such LOI has deprived the chance of other candidates as well.

Also, there are other issues/objection regarding the above mentioned site such as there are big Pine and Oak trees, big water tank above the site, natural water stream touching the boundary of the site and other sites as well, as this natural water stream could change its course damage to the site as well as adjoining areas well, and also to mention that construction in the close proximity of natural water source/stream has been banned by the Govt of Himachal Pradesh. A high tension wire is also passing by in a very close proximity of the site.

More over in this case Nalla is touching the proposed site and as per guidelines (B-13011/1/2019-20/AQM) dated :-16-08-2021 of Central Pollution Control board, minimum distance from water bodies for setting up of new retail outlet shall be at least 50 mt. and if permission is granted it will lead to violation of guidelines issued by Central Pollution Control Board, hence therefore, It is liable to be rejected in case NOC is already granted it shall be cancelled.

Therefore, I request you to cancel the LOI which she has precured by misleading documents. This is Clear violation of Article 14 of the Constitution of India. Or I may have to approach High Court of justice.

Enclosing herewith copy of lease deed, Khatuni of lessor at the time of lease deed, Khatuni of Nala, Tatima of Nala and proposed site and copy of guidelines of Central Pollution Control Board.

Thank You

Regards

Dated: - 19.06.2024



Ashok Kumar

VPO Nanikhad, Tehsil Bhatiyat

District Chamba (H.P.) 176301.

9816866566.

Copy to: -

1. D.C. Chamba (H.P.)
2. Petroleum and Explosive safety Organization, Faridabad, Haryana.
3. SDM Dalhousie.
4. Secretary, Ministry of Petroleum and natural Gas.
5. Retail North Frontier Zone, Chandigarh.
6. Shimla Retail RO.
7. SDO, Pollution Control Board, Chamba (H.P.)
8. DFO, Dalhousie.
9. The Member Secretary, H.P. State Pollution Control Board.
10. Deputy Chief Controller of Explosives, Chandigarh.

LEASE DEED OF LAND IN RURAL AREA
FOR RETAIL OUTLET AT VILAGE/MOHAL UGHRAL, TESHIL DALHOUSIE, DISTT.
CHAMBA HIMACHAL PRADESH.

Annual Rent @	=Rs. 3,36,000/-
Area under lease	00-19-00 bigha
Market Value of Land	
as per collector's rate for the year 2023-24	
Mouza/Mohal Ghural Category-I	
@ Rs. 80112/- per biswa	=Rs. 15,22,128/-
Stamp Duty paid @ 5%	=Rs. 16,000/-
Registration fee paid @ 2%	=Rs. 6,400/-
Pasting fee paid	=Rs. 10/-

RC
82
11/10/23

This Deed of Lease of land is made at Dalhousie, Tehsil Dalhousie, Distt. Chamba (H.P.) on this 11th day of October, 2023, between

① **SH. ANIL KUMAR** aged 50 years (Adhaar No. 9550 2709 3446) s/o Sh. Jai Kishan s/o Sh. Dittu resident of Village Ughral Post Office Banikhhet, Tehsil Dalhousie, Distt. Chamba (H.P) (hereinafter called the "Lessor" which expression is/are include his heirs, executors, administrators and assigns; unless such inclusion is inconsistent with the context) of the one part AND

② **SH. MANOJ KUMAR** aged 30 years (Adhaar No. 9621 6000 3210) s/o Sh. Munshi Ram s/o Sh. Godham Ram resident of Village Holi, Post Office Holi Tehsil Holi, District Chamba (H.P.) hereinafter called "Lessee" which expression is/are included his successors and assigns; unless such inclusion is inconsistent with the context) of the other part whereby it is agreed as follows:

WHEREAS the "Lessor" is owned & possessed of 47/95 share measuring 11-00-13 bigha recorded within Khewat No. 3 Khatouni No. 3 Khasra Nos. 25, 31, 38, 43, 44, 46, 47, 447/63, 82, 87, 96, 114, 115, 128, 136, 153, 163, 171, 308, 309, 315, 449/316, 325 & 328 Kita-24 total area measuring 22-06-00 bigha situated in Mohal Ghural, Patwar Circle Bathri Tehsil Dalhousie District Chamba (H.P) copy of Jamabandi for the year 2020-2021 relied upon.

AND WHEREAS the "Lessor" out of his 47/95 share measuring 11-00-13 bigha, is owned & possessed of or otherwise well and sufficiently entitled, free from all encumbrances a piece or parcel of land measuring 00-19-00 bigha abutting NH. Road converted to non-agricultural for the purpose of setting up of Retail Outlet, comprised of Khewat No. 3 Khatouni No. 3 Khasra Nos. 25, 31, 38, 43, 44, 46, 47, 447/63, 82, 87, 96, 114, 115, 128, 136, 153, 163, 171, 308, 309, 315, 449/316; 325 & 328 Kita-24 total area

Deed No: 6111 dated: 11-10-23

Anil Kumar

Sub Registrar
Dalhousie

ATTESTED TO BE TRUE COPY

Sub Registrar
Dalhousie (H.P.)

COMPARED BY ME

111

measuring 22-06-00 bigha situated in Mohal Ghural, Patwar Circle Bathri Tehsil Dalhousie District Chamba (H.P).

AND WHEREAS the Lessor requested the Lessor to grant him a lease of land measuring 00-19-00 bigha (30 mtr (front) x 25 mtr (depth) (approx.) along the road side i.e. 19/446 share of the total land comprised within Khewat No. 3 Khatouni No. 3 Khasra Nos. 25, 31, 38, 43, 44, 46, 47, 447/63, 82, 87, 96, 114, 115, 128, 136, 153, 163, 171, 308, 309, 315, 449/316, 325 & 328 Kita-24 total area measuring 22-06-00 bigha situated in Mohal Ghural, Patwar Circle Bathri Tehsil Dalhousie District Chamba (H.P) whereupon the Lessor has agreed to grant lease of land more particularly described in the schedule hereto (30 mtr (front) x 25 mtr (depth) thereabouts and hereinafter referred to as "the demised premises" to the Lessee for a period of 21 years commencing on the date of registration of this lease deed i.e. 11/10/2023 and ending on 10/10/2044 on the terms and conditions herein contained and renewable in manner hereinafter appearing with terms and conditions between Lessor and Lessee.

AND WHEEAS the Lessor has agreed to grant to the Lessee a lease of the demised premises for the period of 21 (Twenty One) years and renewable thereafter as herein provided at a monthly rental/lease money and on the terms and conditions hereinafter referred to land contained.

NOW THIS DEED WITNESSETH that in consideration of the rent hereinafter resaved and of the covenants and conditions hereinafter contained and on the part of the Lessee to be paid, observed and performed, the Lessor hereby demise unto the Lessee all and singular of land measuring 00-19-00 bigha out of his 47/95 share measuring 11-00-13 bigha being 19/446 share out of land measuring 22-06-00 bigha comprised of Khewat No. 3, Khatouni No. 3, Khasra Nos. 25, 31, 38, 43, 44, 46, 47, 447/63, 82, 87, 96, 114, 115, 128, 136, 153, 163, 171, 308, 309, 315, 449/316, 325 & 328 Kita-24 total area measuring 22-06-00 bigha situated in Mohal Ghural, Patwar Circle Bathri Tehsil Dalhousie District Chamba (H.P) or thereabouts, to told the demised premises together with all ways passage, lights, drains, sewers, water course, right easement advantages and appurtenances whatsoever to the demised premises belonging or therewith usually held or enjoyed and together also with the right for the Lessee to install erect and maintain in and upon the demised premises roadway, underground tanks, delivery pumps, shelters buildings, annexure, extensions, additional floors, sales room, structure, tube wells erection or equipments whether of a permanent or temporary nature as the lessee of storing, selling or otherwise carrying on trade in petroleum products, oil and kindred motor accessories, ATM Counter, Public call office, E-com kiosk/ Cyber cafe,

Handwritten signature

Handwritten signature
Date: 11-10-23

ATTESTED TO BE TRUE COPY

Sub Registrar
Dalhousie (H.P.)

COMPARED BY ME

Handwritten signature

Sub Registrar
Dalhousie (H.P.)

unto the Lessee in Khasra No. 447/63 for a term of 21 year commencing from the 11-10-2023 renewal and determinable as hereinafter provided yielding and paying therefore unto the Lesser during the said term monthly and proportionately for any part of rent of Rs. 28,000/- (per month) with an increase of 15% every five year payable on or before the tenth day of each succeeding English calendar month. Subject however to the said monthly rent being reduced proportionately in the event of any portion of the demised land being acquired by any authority for road widening or for any public purpose.

The Lessee do hereby covenant with the lesser as follows.

- a) To pay the rent reserved at the time and in manner aforesaid.
- b) To obtain and renew all necessary licenses and permits in respect of the demised premises by reasons of it being used for storing, selling or otherwise carrying on trade in petroleum products and kindred motor accessories and to observe and perform all laws, local, police and municipal rules and regulations in connection with such uses.
- c) Pay all charges for gas or electricity or water consumed in or upon the demised premises as shown by the separate meter or meter thereof and to pay the rent of such meter or meters.
- d) To permit the Lessor and their agents duly authorized by them to enter into and upon the demised premises at all reasonable times for the purposes of reviewing the conditions of demised premises.
- e) To indemnify and to keep indemnified the Lesser against all claims, demands, duets, decrees and awards whatsoever which may be brought or passed against the Lesser by reason of any damage caused to any adjoining owners or occupants and others by reasons of any explosion or other accident consequent upon such cases of the demised premises as aforesaid.
- f) The Lessee shall pay property tax, municipal tax on building/superstructure constructed by it on the demised premises, and also any tax or other imposition levied by the Government or any Municipality/Authority on any Signboard/Advertisement etc. put up the Lessee.
- g) To deliver up the demised premises to the lesser at the expiration or sooner determination of the said term or its renewal after restoring the demised premises in its former condition.
- h) The Lessee shall pay to the Lessor the service tax as extra over and above the rent reserved, on/ upon the Lessor raising of an invoice as per statutory to that effect.

Ambika

[Signature]
 No: 411 dated 11-10-23

Sub Registrar
 Dalhousie (H.P.)

ATTESTED TO BE TRUE COPY

[Signature]
 Sub Registrar
 Dalhousie (H.P.)

COMPARED BY ME

[Signature]

113

The lesser do hereby covenant with Lessee as follows:-

- a) To pay and discharge all existing and future Government, Municipal or other rents, cusses, rates, taxes and assessments payable in respect of the demised premises and the same shall not be recoverable from the Lessee. If the Lessor do not make statutory payment in respect of demised premises if any to the authorities, the Lessee shall pay directly to the authorities and adjust the same in the future rent payable to the Lessor, to continue to posses and enjoy uninterrupted lease hold rights of the demised premises
- b) That if the Lessee shall pay the rent and observe and perform the covenants and conditions on the part of the Lessee therein contained the Lessee shall quietly enjoy the demised premises during the period of the lease or its renewal without interruption by the Lessor or any persons lawfully claiming under or in trust for the Lessor or otherwise howsoever.
- c) The Lessee at all times during the currency of the agreement shall exclusively use all that piece of non-converted land, if any in front of the demised premises which is inland of row and which is in the ownership of the Lessor for free access, right of ingress and egress of 'D' plantations and for any other permissible use to facilitate operation of the Retail Outlet.
- d) That the Lessor shall on the written request of the lessee made before the expiry of the term herby created and if there shall not at the time of such request be any existing breach or non-observance of any of the covenants on the part of the further term of 21 year from the expiration of the said term at the rent (to be manually agreed) and containing the like covenants and provisos as are herein contained upon rents to be mutually agreed.
- e) That the Lessor will not sell or agree to sell their title and interest in the demised premises until the expiration of 90 days after they shall have given to the Lessee notice of their intention to sell and such other particulars as the Lessee may required and shall give an option to the lessee to purchase the demised premises at the said price, such option to be exercised by Lessee within a period of 90 days from the date of receipt of such notice.
- f) If the lessee does not exercise the option to purchase the demised premises the Lesser will inform the prospective purchaser of the lease agreement and its terms entered into with the Lessee and refund to the lease agreement and its terms entered into with the Lessee and refund to the Lessee the amount of rental due for the remaining period of the lease if the same is paid in advance.

Deed No : 6111 dated 1-10-23

[Handwritten signature]

[Handwritten signature]

[Signature]
Sub Registrar
Dalhousie (H.P.)

COMPARED BY ME

[Handwritten signature]

ATTESTED TO BE TRUE COPY

[Signature]
Sub Registrar
Dalhousie (H.P.)

114

g) The lessor shall not mortgage or encumber the demised premises in any manner without the prior consent of the Lessee. If there is any defect in title or encumbrance on the demised premises, the lessor undertakes to rectify or cure the said defect or remove the encumbrance at his cost.

h) The lessor state that the land is NON Agriculture Land.

PROVIDED ALWAYS and it is mutually agreed as follows:-

1) The lessee shall be at liberty to license or sublet the demised premises or any part thereof for use for all or any of the purpose aforesaid without the consent of the lesser. The for use for all or any of the purpose aforesaid without the consent of the lesser. The lessee can also make the sublease of the property in favor of any oil corporation for retail outlet of petrol pump.

2) The Lessee shall be at liberty

a) To construct, fix, erect and maintain in or upon or fasten to the demised premises office and trade fixtures and fittings such as screens, counters partitions, benches, helves, lockers and gas, electric fittings, lights and fans and construct other buildings, structures, wells, tube wells, compound wall, canopy, or install equipments without the consent of the Lesser and

b) To remove, alter modify, repair, replace or increase the said fixture and fitting and also the remove, alter modify, repair, replace or increase the said fixture and fitting and also the said underground tank(s) and delivery pump(s) and shelter with their appurtenances and all civil and building erections and equipments during the term of the lease or at the expiration or sooner determination of the lease or within one month thereafter without objection on the part of the Lessor but in such case the Lessee shall make good any damage which may be caused to the demand premises by such removal / action of Lessee.

3) The Lessee shall be at liberty to affix, place or display name boards sign boards, advertisements boards and advertisements and signs of any nature whatsoever in relation to the business of the Lessee or its sub-lessee or licenses tin in open or from any part of the demised premises without the consent of the lesser.

4) If any rent shall be 90 days in arrears and after being demined in writing the rent remains in arrears for another period of 90 days or if the lessee shall omit to perform or observe any covenant or condition on the part of the Lessee herein contained and shall continue for 90 days after receipt of written notice thereof to the lessee, the Lessor may determine the lease by giving a notice of 30 days and the lease shall thereupon determine but without prejudice to any claim which

Auditor

Deed No : 611 dated : 11-10-22

COMPARED BY ME

Sub Registrar
Dalhousie (H.P.)

ATTESTED TO BE TRUE COPY

Sub Registrar
Dalhousie (H.P.)

115

either parties hereto may have against the other in respect of any breach, non-performance of any of the covenants and conditions herein contained.

- 5) The rent period will commence from the date of inauguration of Petrol Pump.
- 6) The Lessee shall be at liberty to determine this agreement by giving to the Lessor ninety (90) days notice in writing expiring at any time during the currency of this agreement.
- 7) Any notice to be given by the Lesser to the Lessee under this lease shall be deemed to have been duly given if served at the Lessee's address mentioned in the lease deed. Any notice to be given by the Lessee to the Lesser shall be deemed to have been duly given if dispatched by registered post to the last known address of the Lesser.
- 8) The stamp duty and registration charges payable in respect of this agreement and duplicate thereof shall be borne and paid by the Lessee and Lessee hereto shall bear and pay its own solicitors charges/ and the Lessee shall retain the original agreement and the Lessor the duplicate or copy thereof.
- 9) Both parties agree to cooperate for registration of this Lease deed and have and have the land/revenue records duly mutated so as to reflect the lease

THE SCHEDULE REFERRED TO

Land measuring 00-19-00 bigha (30 mtr (front) x 25 mtr (depth) (approx.) i.e. 19/446 share of the total land comprised within Khewat No. 3 Khatouni No. 3 Khasra Nos. 25, 31, 38, 43, 44, 46, 47, 447/63, 82, 87, 96, 114, 115, 128, 136, 153, 163, 171, 308, 309, 315, 449/316, 325 & 328 Kita-24 total area measuring 22-06-00 bigha situated in Mohal Ghural, Patwar Circle Bathri Tehsil Dalhousie District Chamba (H.P)

SCHEDULE 'B' ABOVE REFERRED TO (STRUCTURES BELONGING TO LESSEE)

Deed No: 411 dated 11-10-23

Sub Registrar
Dalhousie (H.P.)

Amulka

ATTESTED TO BE TRUE COPY

Sub Registrar
Dalhousie (H.P.)

COMPARED BY ME

[Signature]

23

11

2

राजस्व विभाग, हिमाचल प्रदेश - नकल जमाबंदी

एस.सी.ए रसीद संख्या: 4171152427746847

नकल शुल्क : 1.00

सेवा शुल्क : 30

कुल शुल्क : 31

नाम : ...

रिवाज/पति :

साल : 2020-2021

रकबा ईकाई: बीघा-द्विस्वा-दि

मोहात : गुराल

हदबस्त नं. : 96

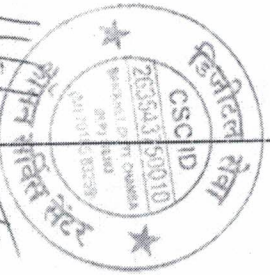
पटवार वृत्त : बाथरी

कानूनगोवृत : डलहौजी

तरहसील : डलहौजी

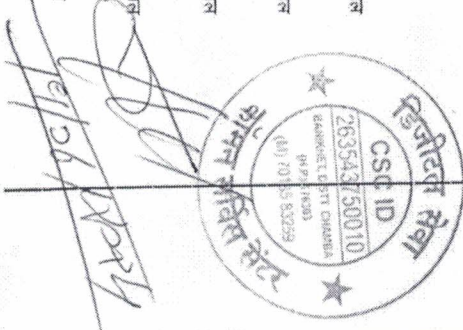
जिला : चम्बा

खेत नं.	खेतीनी नं.	नाम भालिक व पहरवाल	नाम काश्तकार व पहरवाल	नाम चाह व दीगार वसायल आबापारी	नम्बर खसरा झाल	रकबा हर खेत व रिजान खाला मय किस्म अराजी	हिस्सा या पैमाना इकीयत व तरीका बाछ	केफियत
1	2							
3	3	कुल भाग (95) केवल कृष्ण, अनिल कुमार पुत्र जीकिशन	काश्त व कच्चा स्वय		25 कुदला	00-05-00 बजर कदीम	कच्चा व चडता बजर खेत नं. (1)	नई कि.ई. आड रहन तबदील मलकियत 170 आड रहन नोट - वरने ई.न.150 आड रहन द्यारा खाल रजा मे से केवल कृष्ण भागदार का
3	3	अनिल कुमार पुत्र जीकिशन			31	01-05-00		सालम हिस्सा 47/95
3	3	पुत्र दिव भाग बराबर (94) भाग स्थानिय वासी श्रीमति कान्ता देवी पत्नी पृथी चन्द पुत्र हीरा लाल (1) भाग निवासी गाँव चरनग मुहाल चील बगाना तरहसील : चम्बा, जिला			38	01-01-00		भाग रकबा 11-15-00
17.06					43	00-08-00		00बीघा बदले मु.1, 93,000/- (दिक लाख विधानदे हजारा) रु. हिम
मात					44	00-05-00		यामोग कक शाखा
10.34					46	00-05-00		उलहौजी के पास आड रहन रहेगा
स्वाइ					47	01-16-00		नोट - वरने ई.न.170 आड रहन द्यारा
6.72					447/63	00-02-00		खाल रजा मे से अनिल कुमार भागदार का
						02-14-00		सालम हिस्सा 47/95
						बजर कदीम		



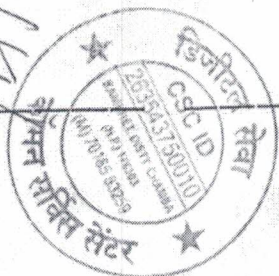
Handwritten signature and date: 19/06/2024

2	3	4	5	6	7	8	9
					02-00-00		भारत रक्षा 11-00-
					भारतीय अखिल		13.बीया बदल नुं 3,
					00-02-00		00.0000/ टीन लाल
					बजर कदीम		रू में दि.प
					00-05-00		राज्य सरकार के कृषि
					बजर कदीम		खजाना बिक्री
					00-02-00		बैंक शाखा बनीयेन के
					बजर कदीम		पुस्तक अंतरिम रखेगा
					00-09-00		196 _____ पुस्तक आर. खत
					भारतीय अखिल		197 _____ तस्वीर खानगी
					00-08-00		दो. - कले. क्र.198 चक्र आर खत
					भारतीय अखिल		द्वारा खत हजा में से अखिल
					01-19-00		अंतर अखिल का खत लिखा
					01-13-00		47/85 आर. खत 11-00-13 बीया
					भारतीय अखिल		बदले नुं 3,00,000/- टीन खत
					00-04-00		रू. में दि.प. राज्य सरकार
					नै मु दान		कृषि खत जानकारी बिक्री
					00-02-00		शाखा बनीयेन के पास आर खत आ
					नै मु बीड		आर खत सांगी पुस्तक अखिल
					02-17-00		खत हजा अखिल के खत खत
					02-14-00		दिनि 11-10-2023 को दर्ज
					भारतीय अखिल		द्वारा है.
					00-03-00		दो. - खत क्र. नं. 197 खानगी
					नै मु बीड		खत खत द्वारा खत नं. 31,43,44,
					00-08-00		48/1,47/1,44/63,2,82,115,128/
					भारतीय अखिल		2,136/2,315/1,44,9,316/1,325
					00-10-00		दिनि 13 खत खत 11-01-00
					भारतीय अखिल		बीया खत खत कृषि पुत्र
					00-05-00		खत खत व खत नं. 25,38,46/2,
					भारतीय अखिल		47/2,44/63/1,87,96,114,128/1,
					00-01-00		128/3,128/4,136/1,153,163,171,
					भारतीय अखिल		308,309,315/2,44,9,316/2,328
					00-07-00		खत 20 खत खत 11-00-00
					बजर कदीम		बीया खत अखिल कृषि पुत्र
					00-08-00		खत खत पुत्र दि.प व खत नं.



117

2	3	4	5	6	7	8	9
				315	भारतीय क्षेत्र 00-10-00 भारतीय क्षेत्र 00-19-00 00-08-00 श.सु.प्रकाश 00-02-00 श.सु.शेड 00-09-00		447/33/3 कक्षा कागदों 00-05 00 शेषा शरण शीतलिका कक्षा करी यन्त्री पत्रो यन्त्र पुत्र शेषा शरण के यन्त्र कक्षाएं शेषा 13-10-2023 को को संशोधित है
				449/316	भारतीय क्षेत्र 00-10-00 भारतीय क्षेत्र 00-19-00 00-08-00 श.सु.प्रकाश 00-02-00 श.सु.शेड 00-09-00		
				325	भारतीय क्षेत्र 02-02-00 02-00-00 भारतीय क्षेत्र 00-02-00 श.सु.शेड 01-05-00		
				328	भारतीय क्षेत्र 01-05-00		
				24	किता 22-06-00		
				कृषक 2	अकृषक		
				17-02-00	05-04-00		
				भारतीय क्षेत्र	भारतीय क्षेत्र		
				12-10-00	03-17-00		
				भारतीय क्षेत्र	श.सु.प्रकाश		
				04-12-00	01-07-00		



[Handwritten signature]

118

Certified that this copy has been generated from the database of Revenue Department at Central Server- HP as accessed by the Lok Mitra Kendra Shakti Kumar on 19-June-2024

To Verify, enter the Copy No above Bar Code at <https://himbhoornilmk.nic.in> For Validity Refer : Notice No:Rev-C(F)/10-1/2009 Dated 14-Feb-2011

Jam0101246851


राजस्व विभागा, हिमाचल प्रदेश - नकल जमाबंदी

मोहाल : गुराल

साल : 2020-2021

रकबा ईकाई: बीघा-बिस्वा-बि

एस.सी.ए रसीद संख्या: 4171152127727637

नाम :

पिता/पति :

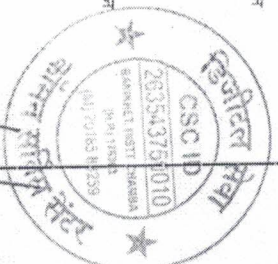
नकल शुल्क : 4.00

सेवा शुल्क : 80

कुल शुल्क : 64

119

खेचट नं.	खेती नं.	नाम भालिक व एहवाल	नाम काश्तकार व एहवाल	नाम चार व दीगर वसायल आबपाशी	नम्बर खसरा हाल	रकबा हर खेत व मिजान खाता मय किस्म अराजी	हिस्सा या पैमाना इकीयत व तरीका बाछ	कैफियत
1	2	सरकार हि. म.	मकदूजा भालिक व वर्तनदारान मुताबिक नक्शाबर्तन	1 घर	03-05-00 घर	कस्बा व पडता बशर खेत म. (1)	न.ई. 133	कि.ई. तबदील
46	48			5 "	00-12-00 घर		मलकियत 145	तबदील
44 म	45			" 338/15	04-15-00 घर		मलकियत 146	तबदील
इशरका खेचट नं. 41				" 339/15	01-01-00 घर		कस्बा 147	तबदील
6.22				" 429/346/19	06-08-00 घर		मलकियत 148	तबदील
माल 3.80				खवसे 29	00-19-00 घर		मलकियत 149	तबदील
खाई 2.47				कुटला 417/30	01-18-00 घर		मलकियत 151	तबदील
खाई 1.30				" 32	02-05-00 घर		मलकियत 152	तबदील
खाई 0.78				चौका 60	01-15-00 घर		मलकियत 158	तबदील
खाई 0.51				खोला 67	00-02-00 घर		मलकियत 159	तबदील
खाई 4.97				कुंड 91	00-14-00 घर		मलकियत 160	तबदील
खाई 3.01				घरणी 419/93	02-09-00 घर		मलकियत	तबदील



[Signature]

State: Himachal Pradesh

Village 009701 मुराल

Khasra No: 60

ULPIN: 0



→ Nalla
→ Proposed site

Scale : 1 : 1600

क्षेत्रफल : 01-15-00
 पी.मु.नाला बीघा-विस्वास-बिसवासी
 रकबा इकाई : बीघा-बिस्वा-बि
 मालिक का नाम : सरकार हि. प्र.
 काश्तकार का नाम : मकबूजा मालिक व बर्तनदारान मुताबिक नक्शाबर्तन



342

121

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

B-13011/1/2019-20/AQM

August 16, 2021

OFFICE MEMORANDUM

Sub: Addendum to the Guidelines for Setting Up of New Petrol Pumps issued on January 07, 2020 -regarding.

CPCB in compliance of the Hon'ble National Green Tribunal order dated January 18, 2019 in O.A. No. 86/2019: Gyanprakash @ Pappu Singh Vs Uoi & Ors. issued guidelines for Setting Up of New Petrol Pumps vide O.M. No. B-13011/1/2019-20/AQM/10809 dated January 07, 2020.

Hon'ble NGT vide further orders dated 23.07.2020 and 09.10.2020, in the matter of Suresh Mandaloi Vs. State of M.P & Ors. (O.A. No. 61 of 2019 (CZ)), directed MoEF&CC and CPCB to submit a report with regard to the minimum distance from water bodies to the petrol pump.

The matter was referred to the Expert Committee and the draft guidelines for implementation in case of petrol pumps near water bodies were prepared. The guidelines also specify the groundwater and soil sampling protocol, frequency of sample collection and the prescribed parameters and screening values to be adopted. The same monitoring protocol and parameters/ values (except for monitoring frequency) need to be adopted for petrol pumps covered under the guidelines dated January 07, 2020.

These draft guidelines were placed in public domain for seeking comments/suggestions from public and concerned stakeholders. These were reviewed by the Expert Committee and the guidelines have been finalised and are hereby issued as addendum to the earlier CPCB Guidelines dated January 07, 2020 for implementation by concerned stakeholders.

This issues with the approval of the Competent Authority.

(P.K. Gupta)
Additional Director & Divisional Head
AQM Div.

Encl.: As Above

To

1. All SPCBs/ PCCs
(As per list enclosed)

with a request to circulate to Commissioner of civil supplies or other similar authorities who look after issues related to petrol pumps at State/ UT level and District Collectors/ Commissioners /Deputy Commissioners.

List of Stakeholders

1.	The Member Secretary Andhra Pradesh State Pollution Control Board D. No.33-26-14D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalmvari Street, Kasturibaipet, Vijayavada-520010	2.	The Member Secretary Arunachal Pradesh State Pollution Control Board 'ParyavaranBhavan', Yupla Road, PappuNallah, Naharlagun - 791110 Arunachal Pradesh
3.	The Member Secretary Assam State Pollution Control Board Bamunimaidan, Guwahati - 781021 Assam	4.	The Member Secretary Bihar State Pollution Control Board Parivesh Bhawan, Plot No.N-B/2, Patliputra Industrial Area Patna-800023
5.	The Member Secretary Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block Sector-19 NayaRaipur - 492 099 Chhattisgarh	6.	The Member Secretary Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao - Bardez Goa - 403511
7.	The Member Secretary Gujarat State Pollution Control Board Sector 10-A, Gandhi Nagar - 382043 Gujarat	8.	The Member Secretary Haryana State Pollution Control Board C-11, Sector 6, Panchkula, Haryana 134109 Haryana
9.	The Member Secretary Himachal Pradesh State Pollution Control Board ParyavaranBhavan, Phase III, New Shimla - 171009 Himachal Pradesh	10.	The Member Secretary J&K State Pollution Control Board, Parivesh Bhawan, Forest Complex, Gladni, Narwal, transport Nagar, Jammu (J&K)
11.	The Member Secretary Jharkhand State Pollution Control Board T.A Building, HEC Campus, P.O. Dhurwa Ranchi 834004 Jharkhand	12.	The Member Secretary Karnataka State Pollution Control Board ParisaraBhavan, 4 th & 5 th floors Church Street, Bangalore 560 001 Karnataka
13.	The Member Secretary Kerala State Pollution Control Board Plamoodu Junction, Pattam Palace P.O. Thiruvananthapuram - 695004 Kerala	14.	The Member Secretary Maharashtra State Pollution Control Board Kalpataru Point, 3 rd & 4 th floors Sion Matunga Scheme Road No. 6 Opp. Cine Planet, Sion Circle, Sion (E), Mumbai 400 022, Maharashtra
15.	The Member Secretary Madhya Pradesh State Pollution Control Board ParyavaranParisar, E-5 Arera Colony Bhopal - 462016 Madhya Pradesh	16.	The Member Secretary Manipur State Pollution Control Board Lamphelpat, Imphal West D.C. Office Complex - 795004 Manipur
17.	The Member Secretary Meghalaya State Pollution Control Board Arden, Lumpyngngad, Shillong - 793014 Meghalaya	18.	The Member Secretary Mizoram State Pollution Control Board New Secretariat Complex, Khatla, Thlanmual Peng, Aizawl Mizorami 796001
19.	The Member Secretary Nagaland State Pollution Control Board Signal Point, Dimapur, Nagaland - 797112 Nagaland	20.	The Member Secretary Odisha State Pollution Control Board Paribesh Bhawan A-118, Nilakanta Nagar, Unit VIII, Bhubaneswar - 751012 Odisha
21.	The Member Secretary Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Prem Nagar, Patiala - 147001, Punjab	22.	The Member Secretary Rajasthan State Pollution Control Board A-4 Institutional Area, JhalaneDungri Jaipur - 302004, Rajasthan

23.	The Member Secretary Sikkim State Pollution Control Board State land Use & Environment Cell Govt. of Sikkim, Deorali, Gangtok, Sikkim	24.	The Member Secretary Tamil Nadu State Pollution Control Board No. 76, Mount Salai, Guindy, Chennai - 600032 Tamil Nadu
25.	The Member Secretary Telangana State Pollution Control Board Paryavaran Bhavan A-3, Industrial Estate, Sanath Nagar, Hyderabad - 500 018 Telangana	26.	The Member Secretary Tripura State Pollution Control Board Parivesh Bhawan Pt. Nehru Complex, Gorkhabasti P.O., Kunjaban, Agartala, West Tripura - 799 006 Tripura
27.	The Member Secretary Uttarakhand Environment Protection & Pollution Control Board 29/20, Nemi Road, Dehradun - 248001 Uttarakhand	28.	The Member Secretary Uttar Pradesh State Pollution Control Board 3 rd floor, PICUP Bhavan, Vibhuti Khand, Gomti Nagar, Lucknow - 226010 Uttar Pradesh
29.	The Member Secretary West Bengal State Pollution Control Board Paribesh Bhavan Building, No.10-A, Block -LA, Sector 3, Salt Lake City, Kolkata - 700 091, West Bengal	30.	The Member Secretary Delhi Pollution Control Committee, Government of N.C.T. Delhi 4th Floor, ISBT Building, Kashmere Gate, Delhi-110006
31.	The Member Secretary Andaman & Nicobar Islands Pollution Control Committee, Department of Science & Technology, Dollygunj Van Sadan, Haddo P.O., Port Blair - 744102	32.	The Member Secretary Chandigarh Pollution Control Committee, Paryavaran Bhawan, Ground Floor, Sector 19 B Madhya Marg, Chandigarh
33.	Member Secretary Daman, Diu & Dadra Nagar Haveli Pollution Control Committee, Office of the Deputy Conservator of Forests, Moti Daman, Daman - 396220	34.	Member Secretary Lakshadweep Pollution Control Committee, Department of Science, Technology & Environment, Kavarati-682555
35.	Member Secretary Pondicherry Pollution Control Committee, Housing Board Complex, Anna Nagar, Pondicherry-600 005		---

2. Joint Secretary (Marketing)
Ministry of Petroleum and Natural Gas, Govt. of India
ShastriBhavan,
New Delhi – 110001
3. Chief Controller of Explosives
Petroleum and Explosive Safety Organization (PESO)
A Block CGO Complex Fifth Floor Seminary Hills
Nagpur-(Maharashtra) -440006
4. Director
Legal Metrology
Ministry of Consumer Affairs, Food and Public Distribution Deptt. of Consumer Affairs,
Room No.461-A, Krishi Bhawan,
New Delhi - 110 001
5. The Chairman,
M/s. Bharat Petroleum Corporation Limited
Bharat Bhavan, 4 and 6 Currimbhoy Road
Ballard Estate, Mumbai 400 001
6. The Chairman,
M/s. Hindustan Petroleum Corporation Limited
Petroleum House, 17, Jamshedji Tata Road, Mumbai
Maharashtra 400020
7. The Chairman,
M/s. Indian Oil Corporation Limited
Indian Oil Bhawan, G9, Ali Yavar Jung Marg
Bandra East, Mumbai, Maharashtra 400 051
8. The Chairman,
M/s. Shell India Markets Pvt. Ltd.
Plot No. 7, Bangalore Hardware Park,
Devanahalli Industrial Park
MahadevaKodigehalli
Bangalore- 562 149, Karnataka.
9. The Chairman,
M/s Reliance Industries Limited,
Maker Chambers - IV
Nariman Point
Mumbai 400 021, India
10. The Chairman,
M/s. Nayara Energy Limited (Formerly Essar Oil Limited)
5th Floor, Jet Airways Godrej BKC,
Plot No. C-68, G Block
BandraKurla Complex, Bandra East
Mumbai- 450 051

Copy to:

1. Joint Secretary
CP Division
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi – 110 003
2. Regional Director
Regional Directorate, Lucknow
PICUP Bhawan, Vibhuti Khand, Gomti Nagar,
Lucknow– 226010
3. Regional Director
Regional Directorate, Bengaluru
A-Block, Nisarga Bhavan,
1st and 2nd Floors, 7th D Cross, Thimmaiah Road, Shivanagar,
Bengaluru-560079
4. Regional Director
Regional Directorate, Bhopal
Parivesh Bhawan, Paryavaran
Parisar E-5, Arera Colony, Bhopal-462016
5. Regional Director
Regional Directorate, Vadodara
Parivesh Bhawan, Opp. Ward No. 10 VMC Office Subhanpura,
Vadodara –390023
6. Regional Director
Regional Directorate, Shillong
"TUM-SIR". Lower Motinagar,
Near Fire Brigade H.Q., Shillong–793014
7. Regional Director
Regional Directorate, Kolkata
'South end Conclave' Block-502, 5th & 6th Floor, 1582,
Razidanga, Main Road, Kolkata- 700107
8. Regional Director
Regional Directorate, Tamil Nadu
Second Floor, No.77-A, South Avenue Road, Ambattur Industrial Estate, Ambattur
Taluk, Thiruvallur District, Chennai- 600 058, Tamil Nadu.
9. Regional Director
Regional Directorate, Chandigarh
e-mail- gurnamsingh.cpcb@nic.in
10. Regional Director
Regional Directorate, Pune
e-mail - bksharma.cpcb@nic.in
11. PA to CCB
12. AO to MS
13. IT Division : for uploading on CPCB website

ADDENDUM TO GUIDELINES FOR SETTING UP OF NEW PETROL PUMPS

The Hon'ble NGT vide orders dated 23.07.2020 and 09.10.2020, in the matter of Suresh Mandaloi Vs. State of M. P. & Ors. (O.A. No. 61 of 2019 (CZ)), directed MoEF&CC and CPCB to submit a report with regard to the minimum distance from water bodies to the petrol pump.

The matter was subsequently referred to the Expert Committee constituted by CPCB earlier in the matter of guidelines for setting up of new petrol pumps and the following addendum guidelines (to guidelines dated 07.01.2020) have been finalised for implementation in case of petrol pumps near water bodies:

- a) All the surface water bodies irrespective of utility shall be protected from any possible contamination. These include lakes, ponds, streams, rivers, wetlands, canals and creeks, as per revenue records. Retail Outlets shall not be located within a distance of 50 meters from the nearest point of water bodies. In case of streams and rivers, the distance shall be considered from floodway. In case floodway is not defined, the distance shall be considered from firm banks/ edge of river. The siting criterion is to be implemented for all new petrol pumps where construction by OMCs starts post the issuance of these guidelines.
- b) Retail outlets coming within 50 meter to 100 meter from the nearest point of surface water body shall have secondary containment by way of double walled tanks or concrete protection walls around Underground Storage Tank (UST).
- c) Groundwater and soil quality monitoring near the premises of fuel retail outlets shall be conducted by OMCs once a year through E (P) Act, 1986 approved labs or labs with national/international accreditation. The monitoring shall be done for those Fuel Retail Outlets which are located within 100 meter from the nearest point of surface water bodies. These shall be applicable to all petrol pumps, regardless of the date of establishment. In case of any clarification and/or difficulty in obtaining samples for groundwater and soil quality monitoring, OMCs may seek

assistance of local administration/SPCB/PCC/CGWB. Protocol for soil and groundwater monitoring is annexed as Annexure-I.

- d) Groundwater and soil quality monitoring shall also be conducted by OMCs before installation of the new fuel retail outlet, for those retail outlets coming up within 100 meter from the nearest point of surface water bodies.

NOTE: These guidelines are supplementary to all existing relevant Rules, Guidelines, Orders, Notifications such as Wetlands (Conservation and Management) Rules, 2017, Coastal Regulation Zone (CRZ) Notification, 2011 etc. The other measures, prescribed in CPCB guidelines for setting up of new petrol pumps dated 07.01.2020, for containment and treatment of spillages, check on leakages from USTs, treatment and disposal of sludge removed from underground tanks during cleaning, measures for protection of workers' health, audit of all protection measures and monitoring system implemented at petrol pumps, shall also apply to the fuel retail outlets falling in the criteria specified above.

Monitoring protocol specifying the prescribed parameters and screening values annexed with these guidelines (other than the monitoring frequency), shall also be adopted for those retail outlets where CPCB guidelines dated 07.01.2020 are applicable.

These guidelines shall be reviewed from time to time.

Annexure-I**Protocol for monitoring quality of soil and groundwater near the premises of fuel retail outlets**

Samples of groundwater being used for drinking purposes shall be collected from at least three different directions with reference to the retail outlet. The sampling point should be preferably within 50m distance from the underground storage tank location at the retail outlet. The samples shall be analysed for the following parameters:

Table 1.

Sr. No.	Parameter	Screening Values
1.	Total petroleum hydrocarbons (C ₁₀ -C ₄₀)	0.6mg/L
2.	BTEX	i. Benzene- 0.01mg/L ii. Toluene- 0.7mg/L iii. Xylene-0.5mg/L
3.	Methyl Tertiary Butyl Ether	13µg/l
4.	Total PAH	0.0001mg/l


Further, soil sample shall be collected from a borehole within the premises of the fuel retail outlet adjacent to the Underground Storage Tank (UST) pit. The depth of bore hole should be up to 1m below the bottom of the storage tank level. Soil samples shall be analysed for the following parameters:

Table 2.

Sr. No.	Parameter	Screening Values(mg/kg)
1.	Total petroleum hydrocarbons (TPH)	5000
2.	Benzene	5
3.	Toluene	30
4.	Xylene	50
5.	Methyl Tertiary Butyl Ether	100
6.	Total PAH	40

Ground water and soil quality monitoring shall be conducted by OMCs once a year through E (P) Act, 1986 approved labs or labs with national/international accreditation and the reports are to be submitted to SPCB. The soil monitoring shall be done in first six months while groundwater monitoring shall be done in the next six months.

In case of exceedance of screening by any parameter, or in case of leakage resulting in soil/groundwater contamination, the measures/steps as prescribed in the guidelines for setting up of petrol pumps dated 07.01.2020 shall be taken up. Assessment and remediation shall be carried out as per the guidelines issued by MoEF&CC and CPCB.


True Copy



351
ANNEEXURE R-4/18
हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

(भारत सरकार का उपक्रम) रजिस्टर्ड ऑफिस 17, जमशेदजी टाटा रोड, मुम्बई - 400 020

HINDUSTAN PETROLEUM CORPORATION LIMITED

(A Government of India Enterprise) Registered Office 17 Jameshedji Tata Road, Mumbai - 400 020

130

शिमला रिटेल क्षेत्रीय कार्यालय : हमीर हाउस , तीसरी मंजिल लोअर चक्कर, शिमला (हि.प्र.) - 171 005
फोन : 0177-2633841, 2633842, 2633843 फेक्स : 0177 - 2633840

Shimla Retail Regional Office : Hameer House, 3rd Floor, Lower Chakkar, Shimla (H.P.) - 171 005
Phone : 0177-2633841, 2633842, 2633843 Tele Fax : 0177-2633840 CIN NO - L23201MH1952GO1008858

Registered Post / Speed Post

Ref no: SRRO/RET/DS/SL-33

Date: 03.07.2024

To,
Shri Ashok Kumar
VPO Nainkhad, Tehsil Bhatiyat,
Distt. Chamba HP-Pin-176301
Mob. No. 98168-66566

Dear Sir,

Sub : RO Dealership at Within 1 Km of Km Stone 66 on Chamba - Pathankot Road NH 154A, District Chamba under Open category.

We write with reference to your letter dated 19.06.2024, on the above subject.

We wish to inform you that land offered by the applicant for the subject location meets all the requirements as per advertisements and the selection process of Ms. Shyamli for setting up of petrol pump is strictly in accordance with the guidelines stated in, "Brochure for Selection of Dealers for Regular and Rural Retail Outlets 2023". However, outlet will be commissioned only after required statutory approvals from concerned district authorities.

Thanking you,

Yours faithfully,

Senior Regional Manager
Shimla Retail Regional Office

Shimla
True Copy

352



भारत सरकार
Govt. of India

पेट्रोलियम एवं विस्फोटक सुरक्षा संगठन
Petroleum & Explosives Safety Organisation
कार्यालय उप मुख्य विस्फोटक नियंत्रक

Office of Dy. Chief Controller of Explosives
एसओ सीओ ओ-802, द्वितीय तल, एनएसी, मनीमाजरा, चण्डीगढ़
S.C.O. No. 802, Second Floor, NAC, Manimajra, Chandigarh.
दुरभाष सं. 0172-2731035, 2731036, फॅक्स सं. 2731040
Tel. No. (0172)-2731035, 2731036, Fax No. 2731040
E-mail address: dyccechandigarh@explosives.gov.in

Speed Post

ANNEXURE R-4/9

131

No. G.17 (85) CH

Date: 09.09.2024

To.

13 SEP 2024

M/s Hindustan Petroleum Corporation Limited,
Hameer House, 3rd Floor, Lower Chakkar, Shimla,
City: Shimla Rural,
Taluka: Shimla Rural,
District: SHIMLA,
State: Himachal Pradesh, PIN:171005

Sub: Complaint against new proposed petroleum retail outlet at KM Stone 66 on
Chamba-Pathankot Road, NH-154A, District Chamba, Himachal Pradesh -
Reg.

Ref: Your office letter no. SRRO/PS/DS dated 16.07.2024.

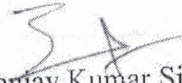
Sir,

With reference to above, Shri Ashok Kumar, VPO Nanikhad, Tehsil Bhattiyat, District Chamba has again submitted his grievances regarding land of subject proposed petroleum retail outlet. A copy of above letter received from Shri Ashok Kumar is being forwarded herewith.

In above context, you are again advised to submit your comments within 21 days from the date of issue of this letter, along with details of approval/licence if obtained, for further necessary action.


Encl: As above.

Yours faithfully,


Dr. Sanjay Kumar Singh, IPES
Dy. Chief Controller of Explosives,
Chandigarh

Copy to:-

1. The Jt. Chief Controller of Explosives, North Circle, Faridabad
2. Shri Ashok Kumar, VPO Nanikhad, Tehsil Bhattiyat, District Chamba, H.P-176301 with reference to his subject complaint.


Dy. Chief Controller of Explosives,
Chandigarh

132

To
The Deputy Chief Explosive Controller.

Chandigarh (U.T.)

Sub - HPCL ADVERTIMENT (WITHIN 1 KM OF STONE 66 ON CHAMBA PATHANKOT ROAD NH 154A).

Sir,

Ref. To your no G.17 (85) CH dated 8.08.2024 thanks me to intimate letter send by to your office. I would like to draw your kind attention that these letters I received from HPCL but the query I raised by me is far from reality. there is no mentioned of my letter dated 10/07/2024 written to HPCL. It is again requested that I am not getting satisfactory reply from HPCL.

1. HPCL is violating section 4 of eligibility criteria for individual applicant if land offered is on long term lease and there are multiple owners, then lease deed should be executed by all co-owners of the offered plot. In case lease deed is not executed by all co-owners; such lease shall be treated invalid.

2. It is pointed out that the lease deed agreement should be between Ma. Shymali Devi applicant and Anil Kumar land owner in this case lease deed agreement between Sh. Manoj Kumar S/o. Sh. Munshi Ram Village Holi Tehsil Holi Chamba (H.P.) and Sh. Anil Kumar S/O Sh. Jai Kishan Village Ughral PC Banikhet Chamba (H.P.) dated 11.10.23 in joint property i.e. 47/95 share measuring 11-00-13 Bigha Khewa tNo. 3 Khatouni No. 3 Khasra Nos. 25.31.38.43.44.46.47.447/63.82.87.96.114.115.128.136.153.163.171.308.309.315.449/316.325.6.328 Kita 24 Total land measuring 26-06-00 Bigha. Jamabandi enclosed in lease there no mentioned of Khasra No 447/63/1. Copy of Jamabandi enclosed at time of lease deed.

3. That said land partitioned 13.10.2020/23 vide note vary E.N.197 khangi teksum dewara Kasra no 25.38.46/2.47/2.447/63/187.96.114.128/1.128/3.128/4.138/1.153.163.171.308.309.315/2.449/316/2.328 Kita 20 rekha 11-00-00 bigha vahak ANIL Kumar S/O Jai Kishan HPCL is keeping silent on this point. More over this lease deed agreement is not mutated till date which is essential legal remedy. If the lease deed is not mutated which means lease deed is null and void.

4. I would like to draw your kind attention that lease deed executed that lessor to grant him i.e. Sh Manoj Kumar a lease of land measuring 00-19-00 bigha 30 mtr. front x 25 mtr. (depth) approx. Along the road side i.e. 19/446 share of the total land comprised khawat No.3 Khasra 25.31.38.43.44.46.47.447/63.82.87.96.114.115.128.136.153.163.171.308.309.315.449/316.325.6.328 Kita 24 Total land measuring 26-06-00 Bigha.

5. It is again pointed out 447/63 was Khasra no 63 which later become 447/63 and 446/63 acquired by PWD. Khasra no 447/63 again changes after partition mutated on 13.10.2023 into 447/63/1. 447/63/2. 447/63/3. But there is no mention of it in the lease deed agreement executed on 11.10.2023 between applicant and the land owner. Moreover this lease deed agreement not mutated.

6. It is again pointed that out ref. To my letter dated 19.06.2024 that there is nalla exactly with proposed land where there is proposal to install Petrol Pump by HPCL but there is no reply of query from HPCL side. Now I would like share more information that there is nalla exist on other side proposed land to be used for installing Petrol Pump. I am enclosing copy to tatime and jombandi of existing nalla on both sides of proposed Land for Petrol Pump. Kindly see khasra no 63 measuring 02-13-00 which exact ally exist which khasra no 63 one side and Khasra no 60 measuring 01-15-00 which exist with boundary of khasra no 63 which is now 447/63/1 447/63/2 and 447/3. This violates the norms setup by pollution control board that no retail outlet shall be set up within 50 mtrs. Of any water body.

7. As HPCL is not replying to any of my query giving me vague reply stating that retail outlet will only be set up after NDC from the local authorities. And stating that HPCL has given LOI in accordance with rules mentioned in Boucher.

Therefore I request you to take necessary action in this regard.



Shri N. K. Bhatia
True Copy

OFFICE OF THE DISTRICT MAGISTRATE CHAMBA DISTRICT
CHAMBA H.P.NO OBJECTION CERTIFICATEANNEXURE R-4/10
133

On the basis of the joint inspection report received from the Sub-Division Magistrate Dalhousie District Chamba (HP), which has been conducted with the members of the departments of the Forest, HPPWD, HPSEBL, Jalshakti and NOC issued by other concerned departments i.e. Police, ST&E, AE Pollution, DFSC, Fire etc, this office has "No Objection" for installation of New Reatial Outlet at Khasra No. 447/63/1 at Vill. Ghural, Tehsil Dalhousie District Chamba HP of Hindustan Petroleum Corporation Limited over the land bearing in Khata, Khatuni No. 3/3 area measuring 02-10-00 Bigha as per Nakal Jamabandi Year 2020-2021 recorded in possession of Sh. Manoj Kumar S/o Sh. Munshi r/o VPO & Tehsil Holi District Chamba HP as lease having lease holding rights over the land for a lease period of 21 years commencing from 11/10/2023 ending on 10/10/2044 on the basis of lease deed No. 411/2023 dated 11/10/2023.

1. The site should be inspected before starting the construction work by the Executive Engineer, NH Division HPPWD, Chamba District Chamba (H.P.)
2. The proposed construction shall be done 5 meters away from the controlled width of the road.
3. Any violation of Road Side Control Act, 1968 shall not be allowed.
4. There should be no violation of Petroleum Rules.
5. The said NOC is subject to licence of Explosive under Petroleum Rules from the Chief Controller Explosives, Faridabad.
6. There should be no encroachment of Government land.
7. The construction work should be done as per approved / proposed drawing only.
8. This NOC will be terminated at any stage if any violations of terms and conditions or of Government rules are discovered at a later stage, without assigning any reason whatsoever.

Jebarna
District Magistrate,
Chamba District Chamba (HP)
Dated:-

Endst No.CBA-LB-/2022

Copy forwarded to:-

1. The Superintendent of Police Chamba District Chamba HP
2. The Sub-Divisional Magistrate, Dalhousie District Chamba HP
3. The Executive Engineer, NH Division HPPWD, Chamba District Chamba (H.P.)
4. The Executive Engineer, HPSEBL Division, Dalhousie District Chamba HP
5. The Executive Engineer, Jalshakti Division, Dalhousie District Chamba HP
6. The Divisional Forest, Officer Dalhousie, District Chamba HP
7. The Deputy Commissioner, Sales & Taxes District Chamba HP
8. The District Controller, Food Civil Supply & Consumer affairs, Chamba HP
9. The Assistant Engineer Pollution Control Board Chamba HP
10. The Incharge Fire Station Chamba HP
11. The Assistant Manager, RE-Retail Hameer House, 3rd Floor, Lower Chakkar Shimla (HP)171005
12. Sh. Manoj Kumar S/o Sh. Munshi r/o VPO & Tehsil Holi District Chamba HP



Jebarna
District Magistrate,
Chamba District Chamba (HP)

20.12.24

True Copy

ANNEXURE R-4/11

134

No. RO/HP/NOC(193)/2023-24 (244298)
 Government of India
 Ministry of Road Transport & Highways
 (REGIONAL OFFICE, SHIMLA)
 Room No. 512-515, Nirmaan Bhawan, Nigam Vihar, Shimla-171002

Dated: 16.12.2024

To,
 The Chief Engineer (NH),
 Himachal Pradesh,
 Nirman Bhawan, Nigam Vihar,
 Shimla-171002.
 Email: ce_nh-hp@nic.in

Sub: NOC for Access Permission to the Proposed Retail Outlet of Hindustan Petroleum Corporation Ltd on NH 154A at Km. Rd. 65+676 (LHS) on Chakki-Banikhet-chamba-Bharmour Road in Khasra No. 447/63/1 at Village Ghural, Tehsil Dalhouse, Distt, Chamba in the State of Himachal Pradesh - In-Principle approval reg.

This is in reference to your Letter No. PW/CE/NH/WA-II/NOC Shahpur/2024-25-5122-24, dated 03.12.2024 recommending therewith proposal for In-principle approval for the above mentioned retail outlet.

2. The proposal has been examined as per Ministry's guidelines issued vide Letter No. RW/NH-33023/01/2017-S&R(R), dated 26.06.2020 and based on your recommendation; the proposal has been agreed to In-Principle Approval by the Highway Administration (HA) subject to the followings:

(i) That the Retail outlet shall be energized only after final approval and signing of license deed by the Highway Administration and the compliance of following condition;

"That the additional road safety measures such as Road marking, TBM, rumble strip, solar blinker etc. shall install to ensure the safety as per the applicable guidelines and as per the direction/ satisfaction of EE, NH Division, Chamba/ Representative of Highway Administration."

(ii) The issue of final formal permission including issuance of signed license deed would be subject to the certification that the construction have been carried out in compliance with the provisions approved by this Highway Administration, based on the inspection report by the Engineer-in-Charge and issuance of the completion certificate after construction of access road as per approved plan/ fulfillment of conditions mentioned in the provisional approval letter, with a copy to this office. As built drawing showing all details may also be submitted with the final formal permission proposal and shall be as per Fig.5 & Fig.6 of Ministry's Guidelines dated 26.06.2020.

(iii) In accordance with the Ministry's guidelines dated 26.06.2020; the Oil/Gas company/owner of the property may construct or develop the fuel station/ private property along with its access as per approved drawing at their own cost within 12 months from the date of issue of provisional permission of access. The Highway

Administration reserves the right to carry out inspection at all the times for checking any deviations from the prescribed/ approved norms after signing of the license deed.

(iv) As per Ministry guidelines dated 26.06.2020, "there shall be adequate drainage system on the access to the retail outlet and inside its area so as to ensure that surface water does not flow over the highway or any water logging takes place. For this purpose, the fuel station and access area would be at least 300 mm below the level at the edge of the shoulder of the highway".

(v) It may be ensured that the fuel station office building, etc. shall be located at a safe distance as prescribed by the Fire Department or other Authorities. A certificate in this regard may be submitted with the final permission.

(vi) The buffer strip would extend minimum 3 m inside the fuel station plot, beyond the available ROW. Separator Island would also be provided in front of fuel station as per guidelines. On undivided carriageway additional signs for regulation of entry and exit should be provided on the separator island.

(vii) The applicant shall install all the requisite road signs as per IRC: 67 & provide road markings as per IRC: 35, code of practice for road sign's and IRC:SP:55, guidelines on safety in road construction zones in accordance with the Ministry's guidelines dated 26.06.2020 to the satisfaction of the EE, NH Division, HPPWD Chamba.

(viii) The fresh license deed (duly indicating chainages of both new & old NH no.) in two originals drawn on new stamp paper as per Ministry's guidelines dated 26.06.2020 and duly signed by authorized signatory along with his power of attorney may also be furnished at the time of issue of final permission.

(ix) The restrictions with respect to the height & set-off for building structure shall be as per local Govt. guidelines.

(x) The applicant shall arrange all the clearances required for constructing the proposed access as per approved drawing himself. The applicant shall also arrange for shifting of utilities, if required, at his own cost as per the applicable rules of the concerned department.

(xi) The applicant will make the necessary alteration including complete removal/shifting of the approach roads at its own cost if so required by the Ministry, for the development of National Highway or in the interest of safety in this section.

(xii) As per Ministry guidelines dated 26.06.2020, the concerned Oil company would be allowed to energize the fuel station only after the final approval i.e. License Deed signed by the Highway Administration.

(xiii) The proposed site may be video-graphed before and after completion of construction work of minimum 1.1 km of either side of retail outlet. The colour photographs of the provisions/ signages may also be submitted.

(xiv) EE, NH, Chamba and applicant i.e. Hindustan Petroleum Corporation are requested to ensure to fulfill all the conditions mentioned in the in-principle approval letter.

(xv) As per Ministry guidelines dated 26.06.2020, the applicant is to make provisions for drinking water and toilet facility. The EE, NH, Chamba /Oil Company shall adhere the same and this facility would be accessible to public round the clock. To inform public about this, a display board showing location of such facilities be installed as per guidelines. The toilet facility is to be provided as per standard layout at fig: 6 of the schedule (Toilet Layout Plan) of guidelines dated 26.06.2020, separately for gents and ladies and duly equipped with lightening, water and requisite cleaning accessories etc.

3. The applicant has submitted the requisite processing fee of Rs.10,000/- through Bharatkosh portal vide Receipt No.2304240009419 Dated, 23.04.2024 Also submitted the provisional approval fee amounting to Rs. 20,000/- vide Bharatkosh receipt No. 2211240007129, dated 22.11.2024. Further the Bank Guarantee No.1314NDDG00466825, dated 26.11.2024 amounting to Rs.2,50,000/- issued by ICICI Bank Banikhet, Chamba, H.P. valid up to 25.11.2027 in favour of Regional Officer & Highway Administration, MoRT&H, Shimla is also submitted in original. The same has been confirmed by the Bank vide Letter No.nil, dated 27.11.2024.

4. Notwithstanding to the above, the Provisional NOC issued shall stand to be cancelled under the following circumstances:

- (i) If any document/ Bank Guarantee/information/fee deposited through Bharatkosh portal by the applicant proves to be false or if the applicant is found to have willfully suppressed any information.
- (ii) Any breach of the condition imposed by the Highway Administration or the officer authorized by the Administration on his behalf.
- (iii) If at later stage, any dispute arises in respect of the ownership of the land on which the fuel station/private property is located or regarding the permission for change of land use.
- (iv) If at later stage, as built structure/layout of proposed fuel station is found not as per Ministry's Guidelines dated 26.06.2020.

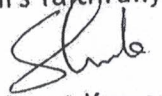
5. The receipt of approved layout plan may kindly be acknowledged. It is to be noted that this is provisional access permission.

Encl: As above (one set).

Copy to:-

- (i) The Superintending Engineer, NH Circle, HPPWD, SHahpur.
- (ii) The Executive Engineer, NH Division, HPPWD, Chamba.
- (iii) Chief Regional Manager (Retail), M/s HPCL, Chakkar, Shimla

Yours faithfully,



(Shwet Kumar)

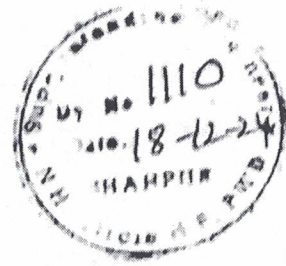
Executive Engineer
for CE-RO MoRT&H Shimla



(Shwet kumar)

Executive Engineer
For CE- RO MoRT&H Shimla

358



137

2053
21/12/24

W/S
18/12/24

18/12/24 PW-CE-NH-WS-WA-II-NOC-Sha./2025-5482-83 Dated 17-12-24

Copy forwarded alongwith two copies of NOC case in original to Superintending Engineer, NH Circle, HP PWD, Shapur for information and necessary action please.

Copy forwarded to Executive Engineer, NH Division, HP PWD, Chamba for information and necessary action please.

[Signature]
17/12
Superintendent G-I,
NH HP PWD, Shimla-2.
[Signature]

D/ Branch
A/ Branch
C/ Branch

KEN NH

21/12/2024

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

No. PW-SE-NH-SHA-WS/ Petrol Pump /2024-25/- 2813 Dated:-18/12/

Copy forwarded to the Executive Engineer, National Highway Division, HP PWD, Chamba, for information and further necessary action in the matter accordingly.

DA: - 2 No. File set in original.

only 01 No file set received

[Signature]

[Signature]
True copy

[Signature]
Superintending Engineer,
National Highway Circle,
HP PWD, Shapur

359

Speed Post

ANNEXURE: R-4/12

138



भारत सरकार
Govt. of India

पेट्रोलियम एवं विस्फोटक सुरक्षा संगठन
Petroleum & Explosives Safety Organisation
कार्यालय उप मुख्य विस्फोटक नियंत्रक
Office of Dy. Chief Controller of Explosives
एसओ सीओ ओ-802, द्वितीय तल, एनएसी, मनीमाजरा, चण्डीगढ़
S.C.O. No. 802, Second Floor, NAC, Manimajra, Chandigarh.
दुरभाष सं. 0172-2731035, 2731036, फॅक्स सं. 2731040
Tel. No. (0172)-2731035, 2731036, Fax No. 2731040
E-mail address: dyceechandigarh@explosives.gov.in

No. G.17 (85) CH, P587847

Date: 24.12.2024

To

M/s Hindustan Petroleum Corporation Limited,
Hameer House, 3rd Floor, Lower Chakkar, Shimla,
City: Shimla Rural,
Taluka: Shimla Rural,
District: SHIMLA,
State: Himachal Pradesh, PIN:171005

Sub: Complaint against new proposed petroleum retail outlet at KM Stone 66 on
Chamba-Pathankot Road, NH-154A, District Chamba, Himachal Pradesh -
Reg.

Sir,

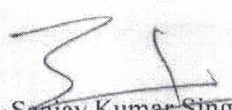
Please refer to this office letter of even no. dated 09.09.2024 and 30.09.2024
regarding subject complaint. It is seen that you have not submitted any comments on the
subject complaint till date to this office.

Complainant has again forwarded his complaint to this office through email dated
18.12.2024. Copy of same is forwarded herewith.

In this connection, you are once again advised to offer your comments within 21 days
from the date of this letter to this office for further necessary action.


Encl: As above.

Yours faithfully,


Dr. Sanjay Kumar Singh, IPESS
Dy. Chief Controller of Explosives,
Chandigarh

Copy to:-

1. The Jt. Chief Controller of Explosives, North Circle, Faridabad
2. Shri Ashok Kumar, VPO Nanikhad, Tehsil Bhattiyat, District Chamba, H.P-176301
with reference to his subject complaint.


Dy. Chief Controller of Explosives,
Chandigarh

139

ail

Dy CCE Chandigarh PESO

Subject: Complaint against new proposed retail outlet at KM Stone 66 on Chamba-Pathankot Road, NH-154A, District Chamba, Himachal Pradesh and approval Doc No.: "12 NA A/P/NC/HP/14/1301 (P587847) "

From : ashokpanditsharma1962@gmail.com

Sat, Dec 21, 2024 09:54 PM

Subject : Fwd: Complaint against new proposed retail outlet at KM Stone 66 on Chamba-Pathankot Road, NH-154A, District Chamba, Himachal Pradesh and approval Doc No.: "12 NA A/P/NC/HP/14/1301 (P587847) "

10 attachments

To : Dy CCE Chandigarh PESO
<dyccechandigarh@explosives.gov.in>

----- Forwarded message -----

From: Ashok Pandit <ashokpanditsharma1962@gmail.com>

Date: Sat, Dec 21, 2024 at 9:51 PM

Subject: Complaint against new proposed retail outlet at KM Stone 66 on Chamba-Pathankot Road, NH-154A, District Chamba, Himachal Pradesh and approval Doc No.: "12 NA A/P/NC/HP/14/1301 (P587847) "

To: <sksingh@explosives.gov.in>

Sir

With reference to your letter no. G.17 (85) CH and ad reference " Complaint against new proposed retail outlet at KM Stone 66 on Chamba-Pathankot Road, NH-154A, District Chamba, Himachal Pradesh" and approval Doc No.: "12 NA A/P/NC/HP/14/1301 (P587847) " with "KhasraNo :KHASRA NO.-447/63/1 ON PATHANKOT-CHAMBA ROAD(NH-154A) AT VILLAGE-GHURAL, NEAR KM. STONE NO.-66, VILLAGE-GHURAL, Dalhousie, CHAMBA, Pin : 176303" and dated "21/03/2024"

I would like to draw your kind attention to the fact that I have not received any reply from HINDUSTAN PETROLEUM CORPORATION LIMITED till date. Now I came to know that HPCL is concealing and manipulating the facts to obtain the NOC from the concerned departments. You are requested to give me an opportunity in person to redress my grievances / objections before issuing the NOC. Time and again it is pointed out that Nalla exists with the land applied to install petrol pump.

Please find all the supporting documents like revenue record, site images and previous correspondence letter sent on 6-12-24 attached herewith

With regards

Ashok Kumar

Singh
True Copy

361

ANNEXURE R-4/13

Himachal Pradesh
Public works department

No.PW-NHC/NOC/WA/2024-25 5315-5316
To,

Dated:- 30/12/2024

140

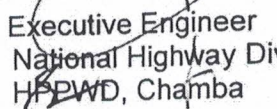
Smt. Shyamli W/O Sh. Manoj Kumar
Muhal Gural Tehsil Dalhousie
District Chamba H.P

Subject:-

NOC for access permission to proposed /retail outlet of Hindustan Petroleum Corporation Ltd. on NH 154 A at RD 65+676 (LHS) on Chakki- Banikhet-Chamba-Bharmour Road in khasra No. 447/63/1 at Village Ghural Tehsil Dalhousie Distt Chamba in the state of Himachal Pradesh-In-Principle approval reg.

Enclised please find herewith In-Principle approval received through the Executive Engineer CE-RO MoRTH Shimla vide his office letter dated 16/12/2024 and Superintendent R-I NH HPPWD Shimla endst letter No. 5482-83 dated 17/12/2024 & Superintending Engineer NH Circle HPPWD Shahpur endst.letter No. 2813 dated 18/12/2024 (Photocopy enclosed) is sent for information and necessary action.

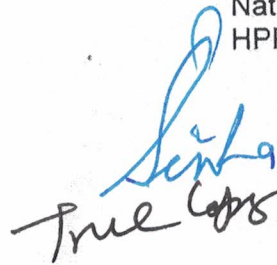
DA:- As above


Executive Engineer
National Highway Division,
HPPWD, Chamba

Copy to the Assistant Engineer NH Sub Division HPPWD Banikhet for information and taking further necessary action. He is also directed to verify that the construction is carried out as per the proposed drawing and beyond the control area.

DA:- As above

Executive Engineer
National Highway Division,
HPPWD, Chamba


True Copy

362
ANNEXURE R-4/14 Speed Post

141



भारत सरकार
Govt. of India

पेट्रोलियम एवं विस्फोटक सुरक्षा संगठन
Petroleum & Explosives Safety Organisation
कार्यालय उप मुख्य विस्फोटक नियंत्रक
Office of Dy. Chief Controller of Explosives
एस० सी० ओ०-802, द्वितीय तल, एनएसी, मनीमाजरा, चण्डीगढ़
S.C.O. No. 802, Second Floor, NAC, Manimajra, Chandigarh.
दुरभाष सं. 0172-2731035, 2731036, फॅक्स सं. 2731040
Tel. No. (0172)-2731035, 2731036, Fax No. 2731040
E-mail address: dycccechandigarh@explosives.gov.in

No. G.17 (85) CH, P587847

Date: 05.02.2025

To,

M/s Hindustan Petroleum Corporation Limited,
Hameer House, 3rd Floor, Lower Chakkar, Shimla,
City: Shimla Rural,
Taluka: Shimla Rural,
District: SHIMLA,
State: Himachal Pradesh, PIN:171005

Sub: Complaint against new proposed petroleum retail outlet at KM Stone 66 on
Chamba-Pathankot Road, NH-154A, District Chamba, Himachal Pradesh.
Approval No. A/P/NC/HP/14/1301(P587847) - Reg.

Sir,

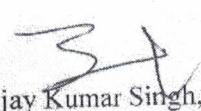
A subject complaint dated 23.01.2025 is again received in this office from Shri Ashok Kumar, VPO Naikhed, Tehsil Bhattiyat, District Chamba, HP. A copy of the subject complaint is forwarded herewith.

In this connection, you are advised to please refer to this office letter of even no. dated 09.09.2024, 30.09.2024 and 24.12.2024 regarding subject complaint. It is seen that you have not submitted any comments/reply on the subject complaint till date to this office.


In above context, you are once again advised to offer your comments within 21 days from the date of this letter to this office for further necessary action.

Encl: As above.

Yours faithfully,


Dr. Sanjay Kumar Singh, IPES
Dy. Chief Controller of Explosives,
Chandigarh

Copy to:- Shri Ashok Kumar, VPO Nanikhad, Tehsil Bhattiyat, District Chamba, H.P-176301 with reference to his subject complaint dated 23.01.2025.


Dy. Chief Controller of Explosives,
Chandigarh

To

The SK Singh

Deputy chief controller of Explosives

Chandigarh.

Sub:- Complaint regarding setting of Retail outlet by HPCL at stone 60 within 1 KM on NH 154A Pathankot Chamba Highway

Dear Sir

I would like to draw your kind attention that HPCL has not replied to my objection till date and I had also filed an RTI regarding the documents which HPCL had submitted for seeking NOC following I have my further objections which I got to know after getting the RTI

1. That there is a Nala water source next to the proposed site which exists on Khasra No. 60 but HPCL has not mentioned about the Nala or water stream in the drawing which they have applied for seeking the NOC and also to mention that HPCL has been hiding this fact in the drawing even at the time of seeking construction approval from good office, as the drawing shows that there is open area and but there is a Nala on Khasra No. 60 next to the plot and applicant has already started to develop the plot next to the Nala, which touches the proposed site as the applicant has already started excavating the plot adjoining the Nala. Which is clear cut violation of rules set up by the central pollution control board dated 16.08.21
2. That even the spot inspection mentions that Khasra No. 60 has a Nala which is not mentioned in drawing by HPCL, and there are Pine and Oak trees at the proposed site. Also this area is prone to heavy rainfall, almost half of the year there is rain and snow in this area.
3. That lease deed has been further rectified on dated 27.09.2024 which is clear cut violation of the Brochure set up by the OMC, as the time of allotment the lease was not in the name of applicant.
4. That the HPCL and along with pollution control is trying to hide the actual position from your good office and trying to set up this retail outlet in a fraudulent manner by doing things in illegal manner, reasons best known to them.

Therefore I request you to kindly take necessary action in this regard, so that justice may be delivered and opportunity of hearing may kindly be given to me.

Shri Nimesh
 AK write to HPCL
 [Signature]

Enclosing copy:-

1. Revenue record mentioning Nala in Khasra No. 60 measuring 1-15bighas touches the proposed site
2. Spot inspection
3. Pollution control board not mentioning of the Water stream.
4. Lease deed getting ratified.
5. Coy of Map given to Explosive not mentioning permanent nala touching the proposed site
6. Khatouni and tatima of Nala

Dated: 23-01-2025

Thank you

Regards



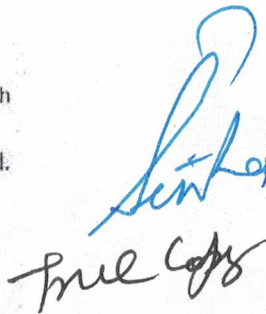
Ashok Kumar

VPO Nanikhad

Tehsil Bhattiyat, District Chamba, H.P.

Copy to :-

1. D C Chamba
2. ADM chamba
3. SDM Dalhousie
4. SDO pollution control Board Chamba
5. Chairman Pollution, Shimla Himachal Pradesh
6. Joint Chief Contoller of Explosives, Faridabad.
7. NGT, New Delhi



True Copy



हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

(भारत सरकार का उपक्रम) रजिस्टर्ड ऑफिस 17, जमशेदजी टाटा रोड, मुंबई - 400 020

HINDUSTAN PETROLEUM CORPORATION LIMITED

(A Government of India Enterprise) Registered Office : 17 Jameshedji Tata Road, Mumbai - 400 020

शिमला रिटेल क्षेत्रीय कार्यालय : हमीर हाउस, तीसरी मंजिल लोअर चक्कर, शिमला (हि.प्र.) - 171 005
फोन : 0177-2633841, 2633842, 2633843 फैक्स : 0177 - 2633840

Shimla Retail Regional Office : Hameer House, 3rd Floor, Lower Chakkar, Shimla (H.P.) - 171 005
Phone : 0177-2633841, 2633842, 2633843 Tele Fax : 0177-2633840 CIN NO - L23201MH1952GO1008858

By Speed Post/E-Mail

Ref. No. SRRO/RET/NOC

Dated : 27.02.2025

The Assistant Environmental Engineer
H.P. Pollution Control Board
VPO Rajpura,
Tehsil & Distt Chamba
HP- 176310

Subject : Regarding NOC for Retail Outlet at Khata/Khatauni No. 3/3, Khasra No. 447/63/1 at Village Ghural, Tehsil Dalhousie, District Chamba, HP

Sir,

We have received No Objection (NOC) Ref. No. PCB/Petrol Pump NOC/RO (CBA)/2024-1971, dated 15.03.2024 for putting up the Retail Outlet at Khata/Khatauni No. 3/3, Khasra No. 447/63/1 at Village Ghural, Tehsil Dalhousie, District Chamba HP.

We also received the No Objection (NOC) from District Magistrate dated 20.12.2024 for setting up of petrol pump for the subject site.

In light of the complaint received against the site selection (copy attached for your reference), we request you to kindly further strengthen the NOC and incorporate the following:

1. Confirmation of no hospital within 50 meters.
2. Confirmation of no school within 50 meters.
3. Confirmation of no residential area within 50 meters.
4. Confirmation of no water bodies within 50 meters.

To ensure compliance with all regulations, we need to modify the NOC to reflect the above confirmations. This will enable us to proceed with the setup of the petrol pump at the subject site.

We shall be grateful to your good self for granting us N.O.C. at the earliest.

Thanking You,

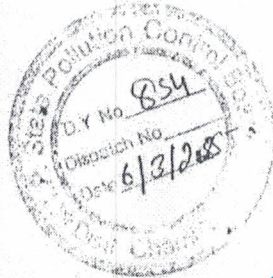
HR

AEE

JEE

clerk

[Signature]
A3/3/25



Very Truly Yours

[Signature]

Padmesh Shukla
Senior Regional Manager
Shimla Retail Regional Office

Encl.: As above

[Signature]
true copy

366



भारत सरकार
Govt. of India

पेट्रोलियम एवं विस्फोटक सुरक्षा संगठन
Petroleum & Explosives Safety Organisation
कार्यालय उप मुख्य विस्फोटक नियंत्रक
Office of Dy. Chief Controller of Explosives

एसओ सीओ ओ-802, द्वितीय तल, एनएसी, मनीमाजरा, चण्डीगढ़
S.C.O. No. 802, Second Floor, NAC, Manimajra, Chandigarh.

दुरभाष सं. 0172-2731035, 2731036, फेक्स सं. 2731040

Tel. No. (0172)-2731035, 2731036, Fax No. 2731040

E-mail address: dyceechandigarh@explosives.gov.in

Speed Post

ANNEXURE: R-4/16

145

No. G.17 (85) CH, P587847

Date: 05.03.2025

To,

M/s Hindustan Petroleum Corporation Limited,
Hameer House, 3rd Floor, Lower Chakkar, Shimla,
City: Shimla Rural,
Taluka: Shimla Rural,
District: SHIMLA,
State: Himachal Pradesh, PIN:171005

Sub: Complaint against new proposed petroleum retail outlet at KM Stone 66 on
Chamba-Pathankot Road, NH-154A, District Chamba, Himachal Pradesh.
Approval No. A/P/NC/HP/14/1301(P587847) - Reg.

Sir,

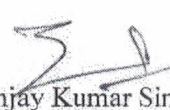
A subject complaint dated 27.02.2025 is received in this office from Shri Ashok Kumar, VPO Naikhed, Tehsil Bhattiyat, District Chamba, HP. A copy of the subject complaint is forwarded herewith.

In this connection, you are advised to please refer to this office letter of even no. dated 09.09.2024, 30.09.2024, 24.12.2024 and 05.02.2025 regarding subject complaint. It is seen that you have not submitted any comments/reply on the subject complaint till date to this office.

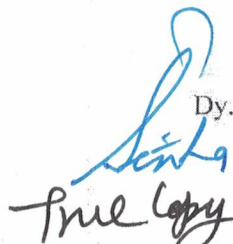
In above context, you are once again advised to offer your comments within 21 days from the date of this letter to this office for further necessary action.

Encl: As above.

Yours faithfully,


Dr. Sanjay Kumar Singh, IPES
Dy. Chief Controller of Explosives,
Chandigarh

Copy to:- Shri Ashok Kumar, VPO Nanikhad, Tehsil Bhattiyat, District Chamba, H.P.-176301 with reference to his subject complaint dated 23.01.2025.


Dy. Chief Controller of Explosives,
Chandigarh

367

ANNEXURE R-4/17
146

Himachal Pradesh
Jal Shakti Vibhag

NO:JSV-BKT-SD-NOC/2025-
To,

1225

Dated:- 06/03/2025

The Assistant Environmental Engineer,
H.P. Pollution Control Board
V.P.O. Rajpura,
Tehsil & Distt. Chamba

Subject:-

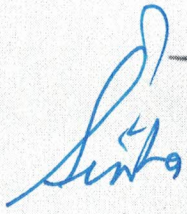
Regarding NOC for retail outlet at khata/ Khatuni No. 3/3, Khasra
no. 447/63/1 at village Ghural, Tehsil Dalhousie, Distt. Chamba (HP)

Sir,

With reference your office letter No.HPSPCB/NOC Petrol pump/RO
(CBA)/2024-1401 Dated: 06.03.2025. In this context it is reported that the retail outlet is to be
installed at above said site has revealed that the area lacks any gravity main pipeline, distribution
network, or departmental assets. A samal, non perennial nallah is present near a retail outlet, which
flows only during rainfall. Currently, the nallah is reported to be dry.

This is for your kind information.

Yours Faithfully,


Assistant Engineer,
Jal Shakti Sub-Division
Barikhet

True Copy

368

ANNEXURE R-4/18

147



H.P. STATE POLLUTION CONTROL BOARD

VPO Rajpura, Tehsil & District Chamba H.P 176310

Phone no. 01899-237426

Website: <http://hpspcb.nic.in> e-mail pcbchamba1@gmail.com



HPSPCB

No. HPSPCB/Petrol Pump NOC /RO (CBA)/2024- 1466

Date: 22/03/2025

To,

✓ Sh. Padmesh Shukla,
Senior Regional Manager,
Shimla Retail Regional Office, HPCL
Hameer House, 3rd floor, Lower Chakkar, Shimla, HP 171005.

Subject: Regarding NOC for retail outlet at Khata/Khautauni no.3/3, Khasra no.447/63/1 at Village Ghural, Tehsil Dalhousie Distt Chamba HP.

Sir,

Kindly refer to your office letter no. SRRO/RET/NOC, dated 27.02.2025 on the subject cited above. In this context, it is to inform you that this office has already issued NOC to retail outlet vide this office letter no. PCB/Petrol Pump NOC/RO(CBA)/2024-1971, dated 15.03.2024. The NOC was granted based on the distance certificate provided by the Village Revenue Officer (Patwari) on 12.03.2024, which was cross-verified by Tehsildar Dalhousie wherein there is). The certificate clearly states that there is no hospital, school, residential area, or water body within 50 meters of retail outlet & nothing mentioned about the existing dry nallah near the petrol pump (as per revenue records)

Additionally, this office recently received another distance certificate report from the Village Revenue Officer, which was again cross-verified by the Tehsildar Dalhousie on date 03.03.2025. The latest report reaffirms that no hospitals, schools, river, drinking water sources, irrigation sources, or lakes are present within 50 meters of the site. However, it does mention the presence of a nallah (nalli) near the retail outlet as per the revenue records and as per report this nallah is currently dry, with water observed only during the rainy season and same has been verified by Jal Shakti Vibhag Sub division Banikhet vide their office letter no.1225, dated 06.03.2025. This office previously issued an NOC based on the distance certificate provided by the Village Revenue Officer on 12.03.2024. However, the latest reports from the Village Revenue Officer and Jal Shakti Vibhag confirm the presence of a dry nallah as per revenue records near to petrol pump. This contradicts the earlier report and the reports are not mentioning the actual distance of existing dry nallah from Petrol Pump in recent report.

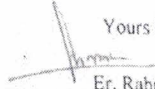
Therefore, this office has requested clarification from the SDM Dalhousie-cum-Chairman of the committee regarding the distance of the nallah from the petrol pump. Additionally, clarification has been sought from the HP State Pollution Control Board Head Office, Shimla, on whether an NOC can be issued for a petrol pump if a non-perennial water source is within 50 meters, as CPCB guidelines do not mention non-perennial sources.

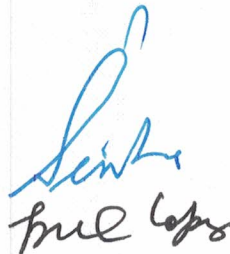
Hence, until a response is received from the Head Office, Shimla, and the SDM Dalhousie, it is requested that this office's earlier NOC not be considered, please.

This is submitted for the information & further necessary action accordingly, please.

Encl: As above.

Yours faithfully,


Er. Rahul Sharma
Regional Officer Chamba
H P State pollution Control Board


Sh. Padmesh Shukla

ANNEXURE R-4/19

148

OFFICE OF THE SUB-DIVISION OFFICER (C) DALHOUSIE
DISTRICT CHAMBA H.P 176304

NO. DAL-SDO(C)-SDK/26 Dated 09/04/2025

To

The Regional Officer

H.P. State Pollution Control Board

VPO Rajpura, Tehsil & District Chamba, H.P. 176310

Subject: Reply Regarding NOC for Retail Outlet at Khata/Khatauni
No. 3/3, Khasra No. 447/63/1 at Village Ghural, Tehsil Dalhousie,
District Chamba, HP.

Respected Sir.

With reference to your letter No. HPSPCB/Petrol Pump NOC/RO
(CBA)/2024-1465, dated 22.03.2025, and in connection with the NOC for
the establishment of a retail outlet at the mentioned location, I would like
to provide the following information: That, the report further confirms
that no water bodies, including rivers, lakes, or irrigation sources, are
located within 50 meters of the proposed site, ensuring compliance with
environmental regulations

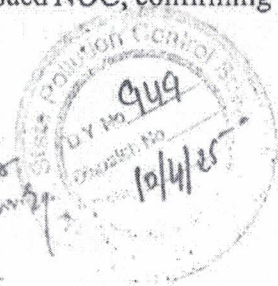
That, the Village Revenue Officer's report also affirms that there are no
hospitals, schools, or residential areas within 50 meters of the retail outlet
site, in alignment with the previously issued NOC, confirming that the site
meets the stipulated criteria.

R
At
JEE
check

8/10/04/2025
Dr. Sanjay

10/04/2025

Sharma
11/04/2025
Dr. Sanjay
Panna Academy




That, according to a communication received from the Himachal Pradesh Jal Shakti Vibhag (No. JSV-BKT-SD-NOC/2025, dated 06.03.2025), it has been confirmed that the retail outlet's location is free from any gravity main pipelines, distribution networks, or departmental assets. The report also mentions a small, non-perennial nallah near the outlet, which remains dry except during rainfall. This aligns with the observations mentioned in the reports provided by both the Jal Shakti Vibhag and the Village Revenue Officer.

That, based on the above confirmations and the authenticity of the reports received, the site complies with the requirements laid out by the Central Pollution Control Board (CPCB) guidelines.

That, as per the No Objection Certificate (NOC) No. PCB/Petrol Pump NOC/RO (CBA)/2024-1971, dated 15.03.2024, issued by the H.P. State Pollution Control Board, there is no objection to the establishment of the MS/HSD Retail Outlet at the proposed site.

Yours Sincerely,


Sub-Divisional Officer ©
Cum- Chairman Of Committee
Dalhousie, District Chamba, H.P.

Copy Encloed:-

1. Report Of Patwari
2. Reort of Jal Shakti Vibhag

रिपोर्ट
X

रिपोर्ट की जाती है कि मुहाल मुताल के खजाना
 नम्बर 447 में 63 में हिन्दुस्तान पैट्रोलियम (HP) का पंप
 पम्प लगाना तय हुआ है मुतासिब राजस्व रिकॉर्ड व
 राजस्व अभिलेख (Revenue Records) के अनुसार उपरोक्त
 खसरा नम्बर के 50 मीटर के अन्दर की जो Lances
 (कौल) Ponds (तालाब) Streams (धातड़) Rivers (नदियाँ)
 Canals (नाहर) और Creeks (खाडियाँ) नहीं हैं।

अतः रिपोर्ट लेवा में पेश है।

नाहर, नाह, मुमाकी, नाल, अ, किरम, झीर, तालाब, धातड़, नदियाँ,
 खाडियाँ, नाहर और खाडियाँ ली अलग हैं।

12
 श्री. सुनील कुमार पटवर्धन
 पञ्जाब यूनिवर्सिटी
 कानून विभाग
 गिला नम्बर (11/37)
 0404
 2825

VRo sign C/S

82
 DEPARTMENT OF
 DISTRICT
 DALE...

REPORT

It is reported that a Hindustan Petroleum (HPCL) Retail Outlet is situated on Khasra No. 447/63 in Mauhal Bual, Village Bual.

As per the Revenue Records, there is no lake, pond, stream, river, canal, creek, khad, or nullah within approximately 50 meters of the said Khasra number.

Accordingly, this report is submitted.

It is further clarified that no lake, pond, stream, river, canal, creek, khad, or nullah exists within the said Khasra number.

Date: 04.04.2025

373

152

Himachal Pradesh
Jal Shakti Vibhag

NO:ISV-BKT-SD-NOC/2025-
To,

1225

Dated:- 06/03/2025

The Assistant Environmental Engineer,
H.P. Pollution control Board
V.P.O. Rajpura,
Tehsil & Distt. Chamba

Subject:-

Regarding NOC for retail outlet at khata/ Khatuni No. 3/3, Khasra
no. 447/63/1 at village Ghural, Tehsil Dalhousie, Distt. Chamba (HP)

Sir,

With reference your office letter No.HPSPCB/NOC Petrol pump/RO
(CBA)/2024-1401 Dated: 06.03.2025. In this context it is reported that the retail outlet is to be
installed at above said site has revealed that the area lacks any gravity main pipeline, distribution
network, or departmental assets. A small, non perennial nallah is present near a retail outlet, which
flows only during rainfall. Currently, the nallah is reported to be dry.

This is for your kind information.

Yours Faithfully,



Assistant Engineer,
Jal Shakti Sub-Division
Barikhet

True copy

374

ANNEXURE 'R-4/20

153



H.P. STATE POLLUTION CONTROL BOARD

VPO Rajpura, Tehsil & District Chamba H.P. 176310

Phone no. 01899-237426

Website: <http://hppcb.nic.in> e-mail pcbchamba1@gmail.com

Asstt. Environmental Engineer,
HPSPCB, Chamba



HPSPCB
No. HPSPCB/Petrol Pump NOC /RO (CBA)/2024- - 134
To

Date: 24/04/2025

✓ Sh. Padmesh Shukla,
Senior Regional Manager.
Shimla Retail Regional Office, HPCL.
Hameer House, 3rd floor, Lc ver Chakkar, Shimla, HP 171005.

Subject: Regarding NOC for retail outlet at Khata/Khautauni no.3/3, Khasra no.447/63/1
at Village Ghural, Tehsil Dalhousie Distt Chamba HP.

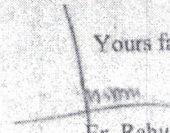
Sir,

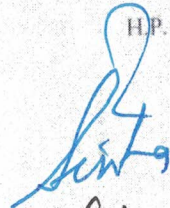
Kindly refer to your office letter no. SRRO/RET/NOC, dated 27.02.2025 on the subject cited above. In this context, this office had sought the clarification vide letter no. 1465, dated 22.03.2025 from the SDM Dalhousie regarding the clarification about existing nallah near Petrol pump. The reply has been received from SDM Dalhousie vide letter no. DAL-SDO-SDK/26, dated 09.04.2025 which also includes the latest Village revenue officer report dated 04.04.2025 wherein it is mentioned that as per revenue records there is no lakes, ponds, streams, rivers, canals, wetlands and creeks within 50 meters of retail outlet.

Hence, the report of SDM Dalhousie is hereby submitted for kind information and requested to take necessary action accordingly, please.

Encl: As above.

Yours faithfully,


Er. Rahul Sharma
Regional Officer Chamba
H.P. State pollution Control Board


True Copy



375

ANNEXURE: R-4/21

हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

(भारत सरकार का उपक्रम) रजिस्टर्ड ऑफिस 17, जमशेदजी टाटा रोड, मुंबई - 400 020

HINDUSTAN PETROLEUM CORPORATION LIMITED

(A Government of India Enterprise) Registered Office : 17 Jamedhedji Tata Road, Mumbai - 400 020

LS4

शिमला रिटेल क्षेत्रीय कार्यालय : हमीर हाउस, तीसरी मंजिल लोअर चक्कर, शिमला (हि.प्र.) - 171 005
फोन : 0177-2633841, 2633842, 2633843 फैक्स : 0177 - 2633840

Shimla Retail Regional Office : Hameer House, 3rd Floor, Lower Chakkar, Shimla (H.P.) - 171 005
Phone : 0177-2633841, 2633842, 2633843 Tele Fax : 0177-2633840 CIN NO - L23201MH1952GO1008858
DATE: 09.05.2025

Dy. Chief Controller of Explosives
S.C.O. No 802, Second floor, NAC
Manimajra, Chandigarh

Sub: Complaint against new proposed petroleum retail outlet at KM stone 66 on Chamba-Pathankot Road, NH-154A, District Chamba, Himachal Pradesh.
Approval No. A/P/NC/HP/14/1301(P587847) - Reg.

Sir,


We have received your letters dated 05.03.2025, 05.02.2025 regarding a complaint against proposed HPC retail outlet at Village Ghural, Tehsil- Dalhousie, District Chamba at KM stone 66.

The complainant Ashok Kumar, VPO Naikhed, Tehsil Bhattiyat, District Chamba, HP has claimed that there is a water stream adjoining to the offered plot for proposed retail outlet, In view of above, HPC have written a letter dated 27-02-2025 to Assistant Environmental Engineer, HP Pollution, Chamba for clarification on the subject.

HPC have received reply to the above-mentioned letter vide letter no HPSPCB/Petrol pump NOC/RO (CBA)/2024-134 dated 24/04/202, in which it is mentioned that "As per revenue records there is no lakes, ponds, streams, rivers, canals, wetlands and creeks within 50 meters of the proposed retail outlet". Along with this letter a report of SDO cum - Chairmen of Committee Dalhousie is also attached in which it is clearly mentioned that "Site complies with the requirements laid out by the Central Pollution Control Board (CPCB)".

In view of the above you are requested to accept our comments regarding the proposed HPC petrol pump site.

Regards


Assistant Manager

Retail Engineering,
HPCL Shimla Retail RO


true copy

376 PROCEDURE: R-4/22

Special Post
Reminder

155



भारत सरकार
Govt. of India

पेट्रोलियम एवं विस्फोटक सुरक्षा संगठन
Petroleum & Explosives Safety Organisation
कार्यालय उप मुख्य विस्फोटक नियंत्रक
Office of Dy. Chief Controller of Explosives

एसओ सीओ-802, द्वितीय तल, एनएसी, मनीमाजरा, चण्डीगढ़
S.C.O. No. 802, Second Floor, NAC, Manimajra, Chandigarh.
दुरभाष सं. 0172-2731035, 2731036, फॅक्स सं. 2731040
Tel. No. (0172)-2731035, 2731036, Fax No. 2731040
E-mail address: dyccechandigarh@explosives.gov.in

No. G.17 (85) CH, P587847

Date: 22.05.2025

To,

M/s Hindustan Petroleum Corporation Limited,
Hameer House, 3rd Floor, Lower Chakkar, Shimla,
City: Shimla Rural,
Taluka: Shimla Rural,
District: SHIMLA,
State: Himachal Pradesh, PIN:171005

Sub: Complaint against new proposed petroleum retail outlet at KM Stone 66 on
Chamba-Pathankot Road, NH-154A, District Chamba, Himachal Pradesh.
Approval No. A/P/NC/HP/14/1301(P587847) - Reg.

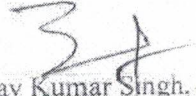
Sir,


You are advised to please refer to this office letter of even no. dated 09.09.2024,
30.09.2024, 24.12.2024, 05.02.2025 and 05.03.2025 regarding subject complaint. It is seen
that you have not submitted any comments/reply on the subject complaint till date to this
office.

In above context, you are once again advised to offer your comments within 21 days
from the date of this letter to this office for further necessary action.

Encl: As above.

Yours faithfully,


Dr. Sanjay Kumar Singh, IPES
Dy. Chief Controller of Explosives,
Chandigarh


True Copy

377

ANNEXURE 'R-4/23



हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

(भारत सरकार का उपक्रम) रजिस्टर्ड ऑफिस 17, जमशेदजी टाटा रोड, मुंबई - 400 020

HINDUSTAN PETROLEUM CORPORATION LIMITED

(A Government of India Enterprise) Registered Office : 17 Jamedhedji Tata Road, Mumbai - 400 020

156

शिमला रिटेल क्षेत्रीय कार्यालय : हमीर हाउस, तीसरी मंजिल लोअर चक्कर, शिमला (हि.प्र.) - 171 005

फोन : 0177-2633841, 2633842, 2633843 फैक्स : 0177 - 2633840

Shimla Retail Regional Office : Hameer House, 3rd Floor, Lower Chakkar, Shimla (H.P.) - 171 005

Phone : 0177-2633841, 2633842, 2633843 Tele Fax : 0177-2633840

CIN NO - L23201MH1952GO1008858

To,

DATE : 26.06.2025

Dy. Chief Controller of Explosives
S.C.O. No 802, Second floor, NAC
Mahimajra, Chandigarh

Sub: Complaint against new proposed petroleum retail outlet at KM stone 66 on Chamba-Pathankot Road, NH-154A, District Chamba, Himachal Pradesh.
Approval No: A/P/NC/HP/14/1301(P587867) - Reg.

Sr.

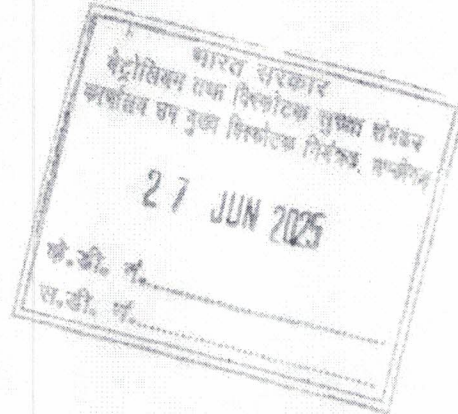
We have received your letters dated 22.05.2025, regarding a complaint against proposed HPC retail outlet at Village Ghural, Tehsil- Dalhousie, District Chamba at KM stone 66.

In the subject HPC wants to submit that we have submitted our comments for subject matter vide letter dated 09/05/2025 in your good office physically. We are attaching the reply for reference. So kindly accept our reply in the subject matter.

Regards

Assistant Manager

Retail Engineering,
HPCL Shimla Retail RO



Seetha
True copy

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 297 OF 2026

IN THE MATTER OF:

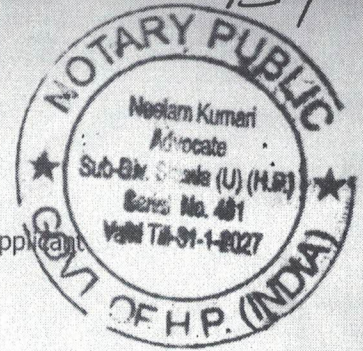
Ashok Kumar

-Versus-

Central Pollution Control Board
& Ors.

... Applicant

... Respondents



VAKALATNAMA

KNOW ALL that by this Vakalatnama, I/We, Padmesh Shukla, Petitioner(s)/ Plaintiff(s)/ Appellant(s)/ Complainant(s)/ Defendant(s)/ Respondent(s)/ Caveator(s) in the above Suit/ Appeal/ Application/ Revision/ Review/ Reference/ Arbitration/ Execution/ Complaint (both Civil and Criminal) do hereby appoint and retain Mr./Ms./M/s.

PARIJAT SINHA & DIVYAM DHYANI
Advocates, Supreme Court of India

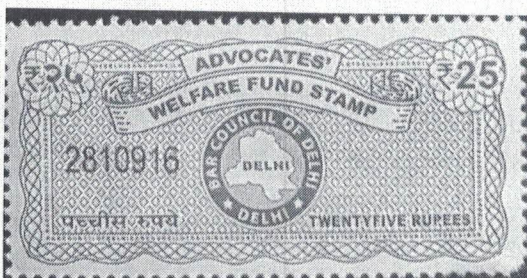
to act & appear for me/us in the above Suit/Appeal/Petition/Reference/ Complaints and on my/ our behalf to conduct and prosecute (or defend/withdraw) as well as withdraw money from court's registry, apply for document(s) and/or for payment order(s) from Court(s) and also act and appear in all proceedings that may be taken in respect of any application in connection with the same or any decree or order passed therein, including bidding at execution sale(s) as well as proceeding in Appeal/ Revision/ Review/ Reference/ Settlement/ Compromise/ Arbitration and all other Applications which may arise therein or therefrom and also to file fresh Suits/ Appeal/ Revision/ Review/ Reference/ Settlement/ Compromise/ Arbitration/ Execution/ Complaints (both Civil and Criminal) as well as all and any other Application(s) that may be necessary, apply for release of properties from attachment, accept payments on my/ our behalf in connection with the matter, and to represent me/us and to take all necessary steps on my/our behalf in the above matter.

I/We agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

IN WITNESS WHEREOF I/ do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 25 day of June, 2026.

**PARIJAT SINHA & DIVYAM DHYANI
ADVOCATE**

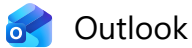
CLIENT(S)



पद्मेश शुकला
विनियुक्त एडवोकेट एवं मुख्य क्षेत्रीय प्रबंधक
एच पी सी एल, शिमला, हि.प्र. रिटेल क्षेत्रीय कार्यालय
हिन्दुस्तान टेलीविजन्स कॉर्पोरेशन लिमिटेड
Padmesh Shukla
Constituted Attorney & Chief Regional Manager
HPCL, Shimla, H.P.



Attested 25/6/2026
Advocate Neelam Kumari
Notary Public
Sub-Div. Shimla (U) (H.P.)



Reply on behalf of Respondent No.4/HPCL before the NGT in O.A. No. 297 of 2026 - Ashok Kumar - vs - CPCB & Ors.

From Associate Lawyers <office@associatelawyers.in>

Date Thu 25-06-2026 16:50

To mscb.cpcb@nic.in <mscb.cpcb@nic.in>; mspcb-hp@nic.in <mspcb-hp@nic.in>; mspcb-hp@nic.in <mspcb-hp@nic.in>

Cc dc-cha-hp@nic.in <dc-cha-hp@nic.in>; adg-acb-hp@nic.in <adg-acb-hp@nic.in>; sdmdal-cha-hp@nic.in <sdmdal-cha-hp@nic.in>; head-fordiydal-hp@hp.gov.in <head-fordiydal-hp@hp.gov.in>; thqdal-cha-hp@nic.in <thqdal-cha-hp@nic.in>

 [Reply_of HPCL.pdf](#)

Dear All,

Attached, for your information and record, is a scanned copy of the counter affidavit being filed on behalf of the respondent No. 4/HPCL in the captioned matter.

By way of proof of service, a copy of this email shall be filed alongwith the Reply

With best wishes.

Divyam Dhyani
Principal Associate
Associate Lawyers
Lawyers' Chamber No.5
Supreme Court of India
Tilak Marg, New Delhi-110001.
Mob: +91-99996-99555/ +91-98100-55169
Alt. email IDs:
associatelawyers@gmail.com
sinha.parijat.adv@gmail.com